

# In the Supreme Court of Canada

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IN THE MATTER OF A REFERENCE AS TO THE POWER OF THE PARLIAMENT OF CANADA AND OF THE GOVERNMENT OF CANADA WITH RESPECT TO PRECIOUS METALS IN, UNDER OR UPON CERTAIN LANDS OF THE HUDSON'S BAY COMPANY, AND AS TO THE OWNERSHIP OF SUCH PRECIOUS METALS.

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## CASE

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W. STUART EDWARDS,  
*Solicitor for the Attorney General of Canada.*



EX LIBRIS -  
Hudson's Bay Company.

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## INDEX

|   | Page |
|---|------|
| 1. Order of Reference by the Governor General in Council.....   | 2    |
| 2. Statement of facts of the case and questions submitted for decision, as agreed upon.....   | 3    |
| 3. Royal Charter incorporating the Hudson's Bay Company, granted by His Majesty King Charles II, 2nd May, 1670.....                                   | 6    |
| 4. Rupert's Land Act, 1868.....   | 18   |
| 5. Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the Union.....  | 20   |
| 6. Deed of Surrender, the Governor and Company of Adventurers of England Trading into Hudson's Bay, to Her Majesty Queen Victoria.....                | 33   |
| 7. Sample true copy of Letters Patent granting to Hudson's Bay Company lands adjoining posts as reserved by Deed of Surrender.....                    | 42   |
| 8. Copy of Order-in-Council of 6th December, 1872, relating to re-conveyance of Hudson's Bay Company's selected lands within the Fertile Belt.....    | 44   |
| 9. Minute of Resolution of Hudson's Bay Company, dated 7th January, 1873, approving proposal set forth in Order-in-Council of 6th December, 1872..... | 45   |
| 10. Copy of Notification to Hudson's Bay Company of Surveys of Townships, within the Fertile Belt, and confirmation thereof.....                      | 46   |
| 11. Copy of Letters-Patent issued to Hudson's Bay Company for lands in fractional townships within the Fertile Belt.....                              | 47   |
| 12. Copy of Letters Patent granting to Hudson's Bay Company certain lands in lieu of other lands, within Fertile Belt, re-conveyed to Crown..         | 49   |
| 13. Order of Supreme Court for inscription of reference and directions.....   | 52   |
| 14. Notice of Hearing.....  | 53   |

# APPENDIX OF STATUTES,

including,—

|   | Page |
|---|------|
| (i) Excerpts from British North America Act, 1867.....  | 55   |
| (ii) Excerpts from the Manitoba Act 1870.....   | 56   |
| (iii) Excerpts from the Alberta Act.....  | 58   |
| (iv) Excerpts from the Saskatchewan Act.....  | 60   |
| (v) An Act respecting the Public Lands of the Dominion (not including<br>Schedules) (35 Vict. (1872), Chap. 23).....                                    | 62   |
| (vi) Excerpts from An Act to amend the Dominion Lands Act (37 Vict.<br>(1874), chap. 19).....   | 93   |
| (vii) Excerpts from An Act to amend and Consolidate the several Acts<br>respecting the Public Lands of the Dominion (42 Vict. (1879),<br>chap. 31)..... | 95   |
| (viii) Excerpts from An Act to amend the "Dominion Lands Act 1879"<br>(43 Vict. (1880), chap. 26).....  | 100  |
| (ix) Excerpts from an Act respecting Public Lands (R.S.C. 1886, chap. 54)   | 101  |
| (x) Excerpts from An Act respecting Public Lands (R.S.C. 1906, chap.<br>55).....  | 103  |
| (xi) Excerpts from An Act to Consolidate and amend the Acts respecting<br>the Public Lands of the Dominion (7-8 Edward VII, chap. 20)...                | 105  |

No. 1

Order of Reference by the Governor General in Council.

P.C. 108

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council,  
approved by His Excellency the Governor General on the 26th January, 1926.*

The Committee of the Privy Council have had before them a Report, dated 20th January, 1926, from the Minister of Justice, submitting that questions have arisen between the Governor and Company of Adventurers of England trading into Hudson's Bay, and the Government of Canada, as to the power of the Parliament and Government of Canada over the precious metals, gold and silver, in, under or upon lands of the said Company, and as to the ownership of the said precious metals;

That as the result of negotiations which have taken place between the Government and the Company it has been agreed that it is advisable to refer the said questions to the Supreme Court of Canada in the form and manner set out in the attached document marked "A," which contains a statement of the facts of the case and of the questions to be submitted as agreed upon between the parties.

The Minister, therefore, recommends that the questions set out in the said attached document marked "A" be referred to the Supreme Court of Canada for hearing and consideration under the authority of the Supreme Court Act.

The Committee concur in the foregoing recommendation and submit the same for approval.

E. J. LEMAIRE,

*Clerk of the Privy Council.*

The Honourable  
The Minister of Justice.

**Statement of Facts of the Case and Questions Submitted for Decision, as agreed upon**

*(Document marked "A" attached to No. 1.)*

IN THE MATTER OF a reference by His Excellency, The Governor-in-Council, to The Supreme Court of Canada under and pursuant to The Supreme Court Act, of certain questions for hearing and consideration as to the power of the Parliament of Canada and of the Government of Canada over the precious metals, gold and silver, in, under and upon, certain lands of The Governor and Company of Adventurers of England trading into Hudson's Bay, commonly called the Hudson's Bay Company, and as to the ownership of the said precious metals.

WHEREAS questions have arisen as to the power of the Parliament of Canada and of the Government of Canada over the precious metals, gold and silver, in, under or upon lands of The Governor and Company of Adventurers of England trading into Hudson's Bay, hereinafter called the Company, and as to the ownership of the said precious metals:

AND WHEREAS it is deemed advisable to refer the said questions to The Supreme Court of Canada for hearing and consideration:

AND WHEREAS the opinion of the said Supreme Court is desired upon the following case:—

1. By letters patent granted by His late Majesty, King Charles the Second, bearing date the 2nd day of May, 1670, the Company was granted the lands and territories as therein described, also the gold and silver to be found or discovered therein and other rights, etc., the whole as more fully described in said letters patent, a true copy whereof is annexed hereto as Schedule "A."

2. By Deed of Surrender bearing date the 19th day of November, 1869, the Company did surrender to Her late Majesty on the terms and conditions of the said Surrender, and on condition of the said Surrender being accepted pursuant to the provisions of The Rupert's Land Act, 1868, all the rights of government and other rights, privileges, liberties, franchises, powers and authorities granted or purported to be granted to the Company by the said letters patent, and also all the lands and territories within Rupert's Land (except and subject as in the said terms and conditions mentioned) granted or purported to be granted to the Company by the said letters patent.

3. The said surrender was duly accepted, and by Order of Her late Majesty in Council, bearing date the 23rd day of June, 1870, Rupert's Land and the North-West Territories were admitted into the Dominion of Canada. Schedule "B" hereto contains a true copy of the said The Rupert's Land Act, 1868, Order in Council and Surrender.

4. The Company, pursuant to the said Deed of Surrender and Order in Council, retained all the posts or stations actually possessed and occupied by it or its officers

or agents at the time of the said Surrender and after the acceptance of said Surrender, duly selected blocks of land adjoining each of its posts or stations within any part of British North America, not comprised in Canada and British Columbia.

5. Since the said Surrender was so made and accepted, the Crown, represented by the Dominion of Canada, has issued patents of the lands so selected adjoining each of its said posts or stations and the said patents also included the land actually possessed and occupied by the Company as posts or stations at the time of the said Surrender. Schedule "C" hereto is a true copy of one of said patents bearing date the 27th of January, 1882, and the other patents were issued in the same form.

10 6. One of the terms and conditions of the said Surrender was that the Company might at any time within fifty years after the acceptance of the said Surrender claim in any township or district within the fertile belt as therein described in which land is set out for settlement grants of land not exceeding one-twentieth part of the land so set out, the same to be determined by lot.

7. The Dominion Lands Act, Chapter 23 of the Statutes of Canada, 1872, contains provisions relating to lands to which the Company became entitled under such conditions in the said Surrender. An Order in Council was passed by the Dominion Government on the 6th of December, 1872, a true copy of which is annexed hereto as Schedule "D," and the Company on the 7th of January, 1873, adopted  
20 the Resolution a copy of which is annexed hereto as Schedule "E."

8. The Company has from time to time received title by notification of the surveys of townships and confirmation thereof to certain sections and parts of sections within the territory described as the fertile belt, and has also from time to time received title by patent from the Crown, represented by the Dominion of Canada, to other sections and parts of sections of land within the fertile belt, for the Company's one-twentieth of the lands in fractional townships and in townships broken by lakes and in lieu of the sections or parts of sections allotted to the Company found to be settled upon. None of the said patents so issued expressly refer to the precious metals or to any minerals. Schedule "F" hereto contains a copy of one of  
30 such notifications, bearing date the 30th of June, 1881, and Schedule "G" hereto contains a copy of one of said patents issued to the Company for such lands in fractional townships, bearing date the 7th of July, 1910. Schedule "H" hereto contains a copy of one of said patents issued to the Company for land in lieu of land so settled upon, bearing date the 10th of May, 1913. These may be regarded as typical of such documents.

9. At the request of the Crown, the Company from time to time, before receiving title to sections or parts of sections of land to which it was entitled, relinquished and surrendered its rights thereto, and obtained patents for other lands in lieu thereof from the Crown. Neither the said surrenders nor the said patents contain any  
40 express mention of minerals.

10. The Company, after having received title to sections and parts of sections of land within the said fertile belt, has from time to time, at the request of the Crown,

conveyed to the Crown the said lands, and obtained patents from the Crown for other lands in lieu thereof. Neither the said conveyances from the Company nor the said patents contain any express mention of minerals, and the lands so patented to the Company comprise lands both within and without the said fertile belt.

11. Therefore it is desired that the following questions be referred to The Supreme Court of Canada for hearing and consideration under the authority of The Supreme Court Act, namely:—

- 10 1. In whom, after the acceptance of the said surrender and the passing of the said Order in Council of the 23rd day of June, 1870, were vested the precious metals, gold and silver, in, under or upon, the lands possessed and occupied at the date of the said surrender as posts or stations, whether in Rupert's Land or any other part of British North America, by the Company, its officers or agents, whether in the Crown, represented by the Dominion of Canada, or in the Company?
2. In whom were vested the precious metals, gold and silver, in, under or upon, the blocks of land adjoining the posts or stations of the Company in any part of British North America, not comprised in Canada and British Columbia, selected by the Company, whether in the Crown, represented by the Dominion of Canada or in the Company:—
  - 20 (a) Upon the selection by the Company of the said blocks of land.
  - (b) Upon the issue to the Company of the Crown patents for the said blocks of land.
3. In whom were vested the precious metals, gold and silver, in, under or upon, the sections of land or parts thereof in the said fertile belt which were vested in the Company by notification, upon such notification, whether in the Crown represented by the Dominion of Canada, or in the Company?
4. In whom were vested the precious metals, gold and silver, in, under or upon, the land granted to the Company by letters patent from the Crown upon the issue thereof:—
  - 30 (a) In satisfaction of the Company's one-twentieth of the land in fractional townships, or in townships broken by lakes.
  - (b) In lieu of lands allotted to the Company but found to be settled upon.
5. In whom were vested the precious metals, gold and silver, in, under or upon, the lands granted to the Company by letters patent in lieu of land in which the Company relinquished and surrendered its rights to the Crown upon the issue of such patents.
6. In whom were vested the precious metals, gold and silver, in, under or upon, the land granted to the Company by letters patent in lieu of land conveyed by the Company to the Crown upon the issue of such patents?
- 40 7. If in any of such cases the precious metals, gold and silver, were vested in the Company, did the repeal of section 37 of The Dominion Lands Act, 1879, Chapter 31 of 42 Victoria, by section 6 of Chapter 26 of 43 Victoria, or

the enactment of section 43 of Chapter 17 of 46 Victoria, or of The Dominion Lands Act, Chapter 20 of 7 and 8 Edward VII, or any other enactment affect the ownership of the said precious metals in such case?

12. For the purpose of such hearing and consideration, the said Court may, in addition to such other facts and matters as the Court may see fit, take into consideration the statements, facts and documents herein mentioned or set forth, and the statutes of the Parliament of the United Kingdom of Great Britain and Ireland, and of the Parliament of Canada, bearing upon such questions, and the fact that the Company was not requested to consent to and did not consent to the amendment  
10 or repeal of any of the provisions of The Dominion Lands Act of 1872, and such other statements, facts and documents, as may be submitted to the Court by order of the Governor in Council.

Approved.

W. STUART EDWARDS,

*Counsel for the Dominion Government.*

DAN H. LAIRD,

*Counsel for the Hudson's Bay Company.*

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No. 3

20 The Royal Charter Incorporating the Hudson Bay Company Granted by His Majesty King Charles II on Second of May, 1670.

*(Schedule "A" referred to in No. 2.)*

CHARLES THE SECOND, by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, Etc. To all to whom these presents shall come, Greeting: Whereas our dear and entirely beloved Cousin, Prince Rupert, Count Palatine of the Rhine, Duke of Bavaria and Cumberland, etc., Christopher, Duke of Albemarle, William, Earl of Craven, Henry Lord Arlington, Anthony, Lord Ashley, Sir John Robinson, and Sir Robert Vyner, Knights and Baronets, Sir Peter Colleton, Baronet, Sir Edward Hungerford, Knight of the Bath, Sir Paul Neele, Knight, Sir John Griffith and Sir Philip Carteret, Knights, James Hayes, John  
30 Kirke, Francis Millington, William Prettyman, John Fenn, Esquires, and John Portman, Citizen and Goldsmith of London, have at their own great Costs and Charges, Undertaken an Expedition for Hudson's Bay in the North-west Part of America, for the Discovery of a new Passage into the South Sea, and for finding

some Trade for Furs, Minerals, and other considerable commodities, and by such their Undertaking, have already made such Discoveries as do encourage them to proceed further in Pursuance of their said Design, by means whereof there may probably arise very great Advantages to Us and Our Kingdom. And whereas the said Undertakers, for their further encouragement in the said Design, have humbly besought Us to incorporate them and Grant unto them, and their Successors, the sole Trade and Commerce of all those Seas, Streights, Bays, Rivers, Lakes, Creeks, and Sounds, in whatsoever Latitude they shall be, that lie within the entrance of the Streights commonly called Hudson's Streights, together with all the Lands, 10 Countries, and Territories, upon the Coasts and Confines of the Seas, Straights, Bays, Lakes, Rivers, Creeks and Sounds, aforesaid which are not now actually possessed by any of our subjects or by the subjects of any other Christian Prince or State. Now Know Ye, that We being desirous to promote all Endeavours tending to the publick Good of our People, and to encourage the said Undertaking, Have of Our Special Grace, certain Knowledge, and mere Motion, given, granted, ratified and confirmed, and by these presents for Us, Our Heirs and Successors, do give, grant, ratify and confirm unto our said Cousin Prince Rupert, Christopher, Duke of Albemarle, William, Earle of Craven, Henry, Lord Arlington, Anthony, Lord Ashley, Sir John Robinson, Sir Robert Vyner, Sir Peter Colleton, Sir Edward Hungerford, 20 Sir Paul Neele, Sir John Griffith, and Sir Philip Carteret, James Hayes, John Kirke, Frances Millington, William Prettyman, John Fenn, and John Portman, that they, and such others as shall be admitted into the said Society as is hereafter expressed, shall be one Body Corporate and Politique, in Deed and in Name by the Name of The Governor and Company of Adventurers of England, Trading into Hudson's Bay, and them by the Name of the Governor and Company of Adventurers of England, Trading into Hudson's Bay, one Body Corporate and Politique, in Deed and in Name, really and fully forever, for Us, Our Heirs and Successors, WE DO make, ordain, constitute, establish, confirm, and declare, by these Presents, and that by the same Name of Governor and Company of Adventurers of England, Trading 30 into Hudson's Bay, they shall have perpetual Succession, and that they and their Successors by the Name of the Governor and Company of Adventurers of England, trading into Hudson's Bay, be, and at all Times hereafter shall be, personable and capable in Law to have, purchase, receive, possess, enjoy and retain, Lands, Rents, Privileges, Liberties, Jurisdictions, Franchises, and Hereditaments, of what kind, Nature, or Quality, soever they be, to them and their Successors; and also to give, grant, demise, alien, assign, and dispose, Lands, Tenaments, and Hereditaments, and to do and execute all and singular other Things by the same Name that to them shall or may appertain to do. And that they, and their Successors, by the Name of The Governor and Company of Adventurers of England, trading into Hudson's 40 Bay, may plead, and be impleaded, answer and be answered, defend, and be defended, in whatsoever Courte and Places, before whatsoever Judges and Justices, and other Persons and Officers, in all and singular Actions, Pleas, Suits, Quarrels, Causes, and

Demands, whatsoever, of whatsoever kind, Nature, or Sort, in such Manner and Form as any other Our Læge People of this Our Realm of England, being Persons able and capable in Law, may, or can have, purchase, receive, possess, enjoy, retain, give, grant, demise, alien, assign, dispose, plead, defend and be defended, do, permit and execute And that the said Governor and Company of Adventurers of England, trading into Hudson's Bay, and their Successors, may have a Common Seal to serve for all the Causes and Businesses of them and their Successors, and that it shall and may be lawful to said Governor and Company, and their Successors, the same Seal, from time to time, at their Will and Pleasure, to break, change, and to make  
10 anew, or alter, as to them shall seem expedient. AND FURTHER WE WILL, and by these Presents for Us, Our Heirs and Successors, We do ordain, that there shall be from henceforth one of the same Company to be elected and appointed in such Form as hereafter in these Presents is expressed which shall be called The Governor of the said Company And that the said Governor and Company shall or may elect Seven of their Number in such Form as hereafter in these Presents is expressed, which shall be called The Committee of the said Company, which Committee of Seven, or any Three of them, together with the Governor or Deputy Governor of the said Company for the time being, shall have the Direction of the Voyages of and for the said Company, and the Provision of the Shipping and Mer-  
20 chandises thereunto belonging, and also the Sale of all Merchandises, Goods, and other Things returned, in all or any the Voyages or Ships of or for the said Company, and the managing and handling of all other Businesses, Affairs and Things, belonging to the said Company AND WE WILL, ordain, and grant by these Presents for Us, Our Heirs and Successors, unto the said Governor and Company and their Successors, that they the said Governor and Company and their Successors, shall from henceforth forever be ruled, ordered and governed, according to such Manner and Form as is hereafter in these Presents expressed, and not otherwise, And that they shall have, hold, retain, and enjoy the Grants, Liberties Privileges, Jurisdictions and Immunities, only hereafter in these Presents granted and expressed, and no other.  
30 And for the better Execution of Our Will and Grant in this Behalf, We have Assigned, nominated, constituted, and made, and by these Presents for Us, Our Heirs, and Successors, We do assign, nominate, constitute, and make, Our said Cousin PRINCE RUPERT, to be the first and present Governor of the said Company, and to continue in the said office from the Date of these Presents until the Tenth November then next following, if he, the said Prince Rupert, shall so long live, and so until a new Governor be chosen by the said Company in Form hereafter expressed, AND ALSO WE HAVE assigned, nominated, and appointed, and by these Presents, for Us, Our Heirs, and Successors, WE DO, assign, nominate, and constitute the said Sir John Robinson, Sir Robert Vynes, Sir Peter Colleton James Hayes, John  
40 Kurke, Frances Millington, and John Portman, to be the seven first and Present Committees of the said Company, from the Date of these Presents until the said 10th Day of November then also next following, and so until new Committees shall

be chosen in Form hereafter expressed. AND FURTHER WE WILL and Grant by these Presents for Us, Our Heirs, and Successors, unto the said Governor and Company and Their Successors that it shall and may be lawful to and for the said Governor and Company for the Time being, or the Greater Part of Them Present at any publick Assembly, commonly called, The Court General to be holden for the said Company, the Governor of the said Company being always one, from time to time, to elect, nominate, and appoint one of the said Company to be Deputy to the said Governor, which Deputy shall take a corporal Oath, before the Governor and three or more of the Committee of the said Company for the time being, well, truly, and faithfully to execute his said Office of Deputy to the Governor of the said Company, and after his Oath so taken, shall and may from time to time, in the Absence of the said Governor, exercise and execute the Office of Governor of the said Company, in such Sort as the said Governor ought to do AND FURTHER WE WILL and Grant by these Presents, for Us, Our Heirs, and Successors, unto the said Governor and Company of Adventurers of England, trading into the Hudson's Bay, and their Successors, that they, or the greater part of them, whereof the Governor for the Time being, or his Deputy, to be one, from time to time, and at all Times hereafter, shall and may have Authority and Power, yearly and every year between the first and last Day of November, to assemble and meet together in some convenient Place, to be appointed from time to time by the Governor, or in his Absence by the Deputy of the said Governor for the Time being, and that they being so assembled, it shall and may be lawful to and for the said Governor or Deputy of the said Governor, and the said Company for the Time being, or the greater part of them which then shall happen to be present, whereof the Governor of the said Company or his Deputy for the time being to be one, to elect and nominate one of the said Company, which shall be Governor of the said Company for one whole Year then next following, which Person being so elected and nominated to be Governor of the said Company as is aforesaid, before he be admitted to the Execution of the said Office, shall take a corporal Oath before the last Governor, being his Predecessor or his Deputy, and any three or more of the Committee of the said Company for the Time being, that he shall from time to time, well and truly execute the Office of Governor of the said Company, in all Things concerning the same, and that immediately after the same Oath so taken he shall and may execute and use the said Office of Governor of the said Company, for one whole year from Thence next following. And in like Sort We will and grant, That as well every one of the above named to be of the said Company or Fellowship, as all others hereafter to be admitted, or free of the said Company, shall take a corporal Oath before the Governor of the said Company, or his Deputy for the Time being, to such Effect as by the said Governor and Company, or the greater Part of them, in any publick Court to be held for the said Company, shall be in reasonable and legal Manner set down and devised, before they shall be allowed or admitted to trade or traffick as a Freeman of the said Company, AND FURTHER WE WILL and grant by these Presents

for Us, Our Heirs and Successors, unto the said Governor and Company, and their Successors, That the said Governor or Deputy Governor, and the rest of the said Company, and their Successors for the Time being or the greater Part of them, whereof the Governor or Deputy Governor, from time to time, to be one, shall and may from time to time, and at all Times hereafter, have Power and Authority yearly, and every Year, between the first and last day of November, to assemble and meet together in some convenient Place, from time to time to be appointed by the said Governor of the said Company, or in his Absence by his Deputy, and that they being so assembled, it shall and may be lawful to and for the said Governor or his  
10 Deputy, and the Company for the Time being, or the greater Part of them, which then shall happen to be present, whereof the Governor of the said Company, or his Deputy for the time being to be one, to elect and nominate Seven of the said Company, which shall be a Committee of the said Company, for one whole Year from then next ensuing, which Persons being so elected and nominated to be a Committee of the said Company as aforesaid, before they be admitted to the Execution of their Office, shall take a corporal Oath, before the Governor or his Deputy, and any three or more of the said Committee of the said Company, being their last Predecessors, that they, and every of them, shall well and faithfully perform their said Office of Committees in all Things concerning the same, and that immediately after the said  
20 Oath so taken, they shall and may execute and use their said Office of Committee of the said Company, for one whole Year from thence next following. AND MORE-OVER, Our Will and Pleasure is, and by these Presents, for Us, Our Heirs and Successors, WE DO GRANT unto the said Governor and Company, and their Successors, that when, and as often as it shall happen, the Governor or Deputy Governor of the said Company for the Time being, at any Time within one Year after that he shall be nominated, elected and sworn to the Office of the Governor of the said Company, as is aforesaid, to die or to be removed from the said Office, which Governor or Deputy Governor not demeaning himself well in his said office, We Will to be removable at the Pleasure of the rest of the said Company, or the  
30 greater Part of them which shall be present at their publick Assemblies, commonly called, Their General Courts holden for the said Company, that then, and so often it shall and may be lawful to and for the Residue of the said Company for the Time being, or the greater Part of them, within a convenient Time, after the Death or Removing of any such Governor, or Deputy Governor to assemble themselves in such convenient Place as they shall think fit, for the Election of the Governor or Deputy Governor of the said Company, and that the said Company, or the greater Part of them, being then and there present, shall and may, then and there before their departure from the said Place, elect and nominate one other of the said Company to be Governor or Deputy Governor for the said Company, in the Place and  
40 Stead of him that so died or was removed, which Person being so elected and nominated to the Office of Governor or Deputy Governor of the said Company, shall have and exercise the said Office, for and during the Residue of the said Year, taking

first a corporal Oath, as is aforesaid for the due Execution thereof; and this to be done from time to time so often as the Case shall so require. AND ALSO, Our Will and Pleasure is, and by these presents for Us, Our Heirs and Successors, We do grant unto the said Governor and Company, that when, and as often as it shall happen any Person or Persons of the Committee of the said Company for the Time being at any Time within one Year next after that they or any of them shall be nominated, elected and sworn to the Office of Committee of the said Company as is aforesaid, to die or to be removed from the said office, which Committees not demeaning themselves well in their said Office, We Will, to be removable at the Pleasure of  
10 the said Governor and Company, or the greater Part of them, whereof the Governor of the said Company for the Time being, or his Deputy, to be one; that then, and so often, it shall and may be lawful to and for the said Governor, and the rest of the Company for the Time being, or the greater Part of them, whereof the Governor for the Time being, or his Deputy, to be one, within convenient Time after the Death or removing of any of the said Committee, to assemble themselves in such convenient Place as is or shall be usual and accustomed for the Election of the Governor of the said Company, or where else the Governor of the said Company for the Time being, or his Deputy, shall appoint. And that the said Governor and Company, or the greater Part of them, whereof the Governor for the Time being or his Deputy, to be  
20 one, being then and there present, shall and may, then and there, before their Departure from the said Place, elect and nominate one or more of the said Company, to be of the Committee of the said Company in the Place and Stead of him or them that so died, or were or was so removed, which Person or Persons so nominated and elected to the Office of Committee of the said Company, shall have and exercise the said Office, for and during the Residue of the said Year, taking first a corporal Oath as is aforesaid for the due Execution thereof, and thus to be done from time to time, so often as the Case shall require. And to the End the said Governor and Company of Adventurers of England, trading into Hudson's Bay, may be encouraged to undertake, and effectually to prosecute the said design of Our more especial Grace, certain  
30 Knowledge, the mere motion, WE HAVE given, granted and confirmed, and by these Presents, for Us, our Heirs and Successors, do give, grant and confirm, unto the said Governor and Company, and their Successors, the sole Trade and Commerce of all these Seas, Streights, Bays, Rivers, Lakes, Creeks and Sounds, in whatsoever Latitude they shall be, that lie within the Entrance of the Streights commonly called Hudson's Streights, together with all the Lands and Territories upon the Countries, Coasts and Confines of the Seas, Bays, Lakes, Rivers, Creeks and Sounds aforesaid, that are not already actually possessed by or granted to any of our Subjects or possessed by the Subjects of any other Christian Prince or State, with the Fishing of all Sorts of Fish, Whales, Sturgeons, and all other Royal Fishes, in the Seas, Bays,  
40 Inlets and Rivers within the Premises, and the Fish therein taken, together with the Royalty of the Sea upon the Coasts within the Limits aforesaid, and all Mines Royal, as well discovered as not discovered, of Gold, Silver, Gems, and precious

Stones, to be found or discovered within the Territories, Limits, and Places aforesaid, and that the said Land be from henceforth reckoned and reputed as one of our Plantations or Colonies in America, called Rupert's Land.

AND FURTHER WE DO by these Presents, for Us, Our Heirs and Successors, make, create and constitute, the said Governor and Company for the Time being, and their Successors, the true and absolute Lords and Proprietors of the same Territory, Limits and Places aforesaid, and of all other the Premises, SAVING ALWAYS the Faith, Allegiance and Sovereign Dominion due to us, Our Heirs and Successors for the same TO HAVE, HOLD, possess and enjoy the said Territory, Limits and  
10 Places, and all and singular other the premises, hereby granted as aforesaid, with their, and every of their Rights, Members, Jurisdictions, Prerogatives, Royalties and Appurtenances whatsoever, to them the said Governor and Company, and their Successors for ever TO BE HOLDEN of Us, Our Heirs and Successors, as of Our Manor of East Greenwich in our County of Kent, in free and common Socage, and not in Capite or by Knight's Service, YIELDING AND PAYING yearly to Us, Our Heirs and Successors, for the same, two Elks and two black Beavers, whensoever, and as often as we, Our Heirs and Successors shall happen to enter into the said Countries, Territories and Regions hereby granted, AND FURTHER, Our Will and Pleasure is, and by these Presents, for Us, Our Heirs and Successors, We do  
20 grant unto the said Governor and Company, and to their Successors, that it shall and may be lawful, to and for the said Governor and Company, and their Successors, from time to time, to assemble themselves, for or about any the Matters, Causes, Affairs, or Businesses of the said Trade, in any Place or Places for the same convenient, within our Dominions or elsewhere, and there to hold Court for the said Company, and the Affairs thereof, and that also, it shall and may be lawful, to and for them, and the greater Part of them, being so assembled, and that shall then and there be present, in any such Place or Places whereof the Governor or his Deputy for the Time being to be one, to make, ordain, and constitute, such and so many reasonable Laws, Constitutions, Orders and Ordinances, as to them, or the greater part of them  
30 being then and there present, shall seem necessary and convenient for the good Government of the said Company, and of all Governors of Colonies, Forts, and Plantations, Factors, Masters, Mariners and other Officers employed, or to be employed, in any of the Territories and Lands aforesaid, and in any of their Voyages, and for the better Advancement and Continuance of the said Trade, or Traffic and Plantations, and the same Laws, Constitutions, Orders and Ordinances so made, to put in Use and execute accordingly, and at their Pleasure to revoke and alter the same, or any of them, as the occasion shall require, and that the said Governor and Company, so often as they shall make, ordain, or establish any such Laws, Constitutions, Orders and Ordinances, in such Form as aforesaid, shall and may  
40 lawfully impose, ordain, limit and provide such pains, Penalties and Punishments upon all Offenders, contrary to such Laws, Constitutions, Orders and Ordinances,

or any of them as to the said Governor and Company for the Time being, or the greater Part of them then and there being present, the said Governor or his Deputy being always one, shall seem necessary, requisite, or convenient for the Observation of the same Laws, Constitutions, Orders and Ordinances, and the same Fines and Amerciements shall and may by their Officers and Servants, from time to time be appointed for that Purpose levy, take and have, to the Use of the said Governor and Company, and their Successors, without the Impediment of Us, Our Heirs or Successors, or of any of the Officers or Ministers of Us, Our Heirs or Successors, and without any Account therefore to Us, Our Heirs or Successors, to be made. All and  
10 angular which Laws, Constitutions, Orders and Ordinances so as aforesaid, to be made, We will to be duly observed and kept under the Pains and Penalties therein to be contained, so always as the said Laws, Constitutions, Orders and Ordinances, Fines and Amerciements, be reasonable, and not contrary or repugnant, but as near as may be agreeable to the Laws, Statutes or Customs of this Our Realm. AND FURTHERMORE, of our ample and abundant Grace, certain Knowledge, and mere Motion, WE HAVE granted, and by these Presents for Us, Our Heirs and Successors, do grant unto the said Governor and Company, and their Successors, that they, and their Successors and their Factors, Servants and Agents, for them, and on their behalf and not otherwise, shall forever hereafter have, use and enjoy,  
20 not only the whole, entire, and only Trade and Traffick, and the whole, entire and only Liberty, Use and Privilege, of Trading and Trafficking to and from the Territory, Limits and Places aforesaid, but also the whole and entire Trade and Traffick to and from all Havens, Bays, Creeks, Rivers, Lakes and Seas, into which they shall find Entrance or Passage by Water or Land out of the Territories, Limits or Places aforesaid, and to and with all the Natives and People, inhabiting or which shall inhabit within the Territories, Limits and Places aforesaid, and to and with all other Nations inhabiting any of the Coast adjacent to the said Territories, Limits and Places which are not already possessed as aforesaid, or whereof the sole Liberty or Privilege of Trade and Traffick is not granted to any other of Our Subjects. AND  
30 WE, of our further Royal Favour, and of Our more especial Grace, certain Knowledge and mere Motion, Have granted, and by these Presents for Us, Our Heirs and Successors, do grant to the said Governor and Company, and to their Successors, that neither the said Territories, Limits and Places, hereby granted as aforesaid, nor any Part thereof, nor the Islands, Havens, Ports, Cities, Towns or Places, thereof, or therein contained, shall be visited, frequented or haunted, by any of the Subjects of Us, Our Heirs and Successors, contrary to the true Meaning of these Presents, and by virtue of Our Prerogative Royal, which we will not have in that Behalf argued or brought into Question, We Streightly charge, command and prohibit, for Us, Our Heirs and Successors, all the Subjects of Us, Our Heirs and Successors, of what  
40 Degree or Quality soever they be, that none of them directly or indirectly, do visit, haunt, frequent, or Trade, Traffick or Adventure, by way of Merchandise, into or from any of the said Territories, Limits or Places, hereby granted or any, or either

of them, other than the said Governor and Company, and such particular Persons as now be, or hereafter shall be, of that Company, their Agents, Factors and Assigns, unless it be by the License and Agreement of the said Governor and Company in writing first had and obtained, under their Common Seal, to be granted, upon pain that every such Person or Persons that shall Trade or traffick into or from any of the Countries, Territories or Limits aforesaid, other than the said Governor and Company, and their Successors, shall incur our indignation, and the forfeiture, and the loss of the Goods, Merchandises and other Things whatsoever, which so shall be brought into this Realm of England, or any of the Dominions of the same, contrary  
10 to our said prohibition, or the purport or true meaning of these Presents, for which the said Governor and Company shall find, take and seize, in other Places out of Our Dominions, where the said Company, their Agents, Factors or Ministers shall Trade, Traffick or inhabit, by virtue of these our Letters Patent, as also the Ship and Ships, with the furniture thereof, wherein such goods, Merchandises, and other Things, shall be brought and found, the one-half of all the said forfeitures to be to Us, Our Heirs and Successors, and the other half thereof We do by these Presents clearly and wholly for Us, Our Heirs and Successors, give and grant unto the said Governor and Company, and their Successors, AND FURTHER all and every the said Offenders for their said Contempt to suffer such other punishment as to  
20 Us, Our Heirs and Successors, for so high a Contempt, shall seem meet and convenient, and not to be in anywise delivered until they, and every of them, shall become bound unto the said Governor for the time being in the sum of One Thousand Pounds at the least, at no time then after to trade or traffick into any of the said Places, Seas, Straights, Bays, Ports, Havens or Territories, aforesaid contrary to our expresse Commandment in that Behalf set down and published

AND FURTHER of Our more especial Grace, We have condescended and granted, and by these Presents for Us, Our Heirs and Successors, Do grant unto the said Governor and Company, and their Successors that We, Our Heirs and Successors, will not grant Liberty, License or Power to any Person or Persons whatsoever, contrary to the Tenor of these Our Letters Patent, to trade, traffick or inhabit, unto or upon any the Territories, Limits or Places, afore specified, contrary to the true meaning of these Presents, without the consent of the said Governor and Company, or the most part of them. AND of Our more abundant Grace and Favour to the said Governor and Company, we do hereby declare Our Will and Pleasure to be, that if it shall so happen, that any of the Persons free, or to be free of the said Company of Adventurers of England, trading into Hudson's Bay, who shall, before the going forth of any Ship or Ships appointed for a Voyage, or otherwise, promise or agree by Writing under his or their Hands, to adventure any Sum or Sums of Money, towards the furnishing any Provision, or Maintenance of any Voyage, or  
40 Voyages, set forth, or to be set forth, or intended or meant to be set forth, by the said Governor and Company, or the more part of them Present at any public assembly,

commonly called their General Court, shall not within the space of twenty days next, after warning given to him or them, by the said Governor or Company, or their known Officer or Minister, bring in and deliver to the Treasurer or Treasurers appointed for the Company, such sums of money as shall have been expressed and set down in Writing, by the said Person or Persons, subscribed with the Name of said Adventurer or Adventurers, that then, and at all times after, it shall and may be lawful, to and for the said Governor and Company, or the more part of them Present, whereof the said Governor or his Deputy to be one, at any of their General Courts or General Assemblies, to remove and disfranchise him or them, and every such  
10 person and persons at their Wills and pleasures, and he or they so removed and disfranchised not to be permitted to trade into the Countries, Territories and limits aforesaid, or any part thereof, nor to have any adventure or stock going or remaining with or amongst the said Company, without the special license of the said Governor and Company, or the more part of them present at any General Court, first had and obtained in that behalf, anything before in these Presents to the Contrary thereof in anywise notwithstanding. And Our Will and Pleasure is, and hereby we do also ordain, that it shall and may be lawful to, and for the said Governor and Company, or the greater part of them, whereof the Governor for the time being, or his Deputy to be one, to admit into, and to be of the said Company all such servants, or factors,  
20 of or for the said Company and all such others as to them, or the most part of them present, at any Court held for the said Company, the Governor or his Deputy being one, shall be thought fit and agreeable with the orders and ordinances made and to be made for the Government of the said Company

AND further, Our Will and pleasure is, and by these Presents for Us, Our Heirs and Successors, we do grant unto the said Governor and Company, and to their successors, that it shall and may be lawful in all elections and by laws to be made by the General Court of the Adventurers of the said Company, that every person shall have a number of votes according to his stock, that is to say, for every hundred pounds by him subscribed or brought into the present stock, one vote, and that any  
30 of those that have subscribed less than one hundred pounds, may join their respective sums to make up one hundred pounds, and have one vote jointly for the same, and not otherwise. And further, of Our especial Grace, certain knowledge and mere motion, we do, for us, our heirs and successors, grant to and with the said Governor and Company of Adventurers of England, trading into Hudson's Bay, that all lands, islands, territories, plantations, forts, fortifications, factories or colonies, where the said Company's factories and trade are or shall be, within any of the ports or places afore limited, shall be immediately and from henceforth under the power and command of the said Governor and Company, their successors and assigns, saving the faith and allegiance due to be performed to Us, Our Heirs and Successors,  
40 as aforesaid, and that the said Governor and Company shall have liberty, full power and authority to appoint and establish Governors, and all other officers to govern

them, and that the Governor and his Council of the several and respective places where the said Company shall have plantations, forts, factories, colonies or places of trade within any of the countries, lands, or territories hereby granted, may have power to judge all persons belonging to the said Governor and Company, or that shall live under them, in all causes, whether civil or criminal, according to the laws of this Kingdom, and to execute justice accordingly, and in case any crime, misdemeanor, shall be committed in any of the said Company's plantations, forts, factories, or places of trade within the limits aforesaid, where judicature cannot be executed for want of a Governor and Council there, then in such case it shall and may  
10 be lawful for the Chief Factor of that place and his Council to transmit the party, together with the offence to such other plantations, factory, or fort where there shall be a Governor and Council, where justice may be executed, or into this Kingdom of England, as shall be thought most convenient, there to receive such punishment as the nature of his offence shall deserve. And moreover, Our Will and pleasure is, and by these presents for Us, Our Heirs and Successors, we do give and grant unto the said Governor and Company and their successors, free liberty and license, in case they conceive it necessary, to send either ships of war, men or ammunition unto any of their plantations, forts, factories, or places of trade aforesaid for the security and defence of the same, and to choose commanders and officers over them,  
20 and to give them power and authority, by commission under their common seal, or otherwise, to continue or make peace or war with any Prince or people whatsoever that are not Christians, in any places where the said Company shall have any plantations, forts or factories, or adjacent thereunto, as shall be most for the advantage and benefit of the said Governor and Company and of their trade; and also to right and recompense themselves upon the goods, estates, or people of those parts, by whom the said Governor and Company shall sustain any injury, loss or damage, or upon any other people whatsoever, that shall any way, contrary to the intent of these presents, interrupt, wrong or injure them in their said trade, within the said places, territories and limits granted by this Charter. And that it shall and may be  
30 lawful to and for the said Governor and Company, and their successors from time to time, and at all times from henceforth, to erect and build such castles, fortifications, forts, garrisons, colonies or plantations, towns or villages, in any parts or places within the limits and bounds granted before in these presents unto the said Governor and Company, as they in their discretion shall think fit and requisite, and for the supply of such as shall be needful and convenient to keep and be in the same, to send out of this Kingdom to the said castles, forts, fortifications, garrisons, colonies, plantations, towns or villages, all kinds of clothing, provision, of victuals, ammunition, and implements necessary for such purpose, paying the duties and customs for the same, as also to transport and carry over such number of men being  
40 willing thereunto, or not prohibited, as they shall think fit, and also to govern them in such legal and reasonable manner as the said Governor and Company shall think best, and to inflict punishment for misdemeanors or impose such fines upon them for breach of their orders as in these presents are formerly expressed.

And further, our Will and pleasure is, and by these Presents, for Us, Our Heirs and Successors, we do grant unto the said Governor and Company, and to their Successors, full power and lawful authority to seize upon the persons of all such English, or any other Our subjects, which shall sail into Hudson's Bay, or inhabit in any of the Countries, Islands or Territories hereby granted to the said Governor and Company, without their leave and license, in that behalf first had and obtained, or that shall contemn or disobey their orders, and send them to England and that all and every person or persons, being our subjects, anyways employed by the said Governor and Company, within any the parts, places and limits aforesaid, shall be  
10 liable unto and suffer such punishment for any offences by them committed in the parts aforesaid, as the President and Council for the said Governor and Company there shall think fit, and the merit of the offence shall require, as aforesaid; and in case any person or persons being convicted and sentenced by the President and Council of the said Governor and Company, in the Countries, lands, or limits aforesaid, their factors or agents there, for any offence by them done, shall appeal from the same, that then and in such case it shall and may be lawful to and for the said President and Council, factors or agents, to seize upon him or them, and to carry him or them home prisoners into England, to the said Governor and Company, there to receive such condign punishment as his cause shall require, and the law of this  
20 nation allow of; and for the better discovery of abuses and injuries to be done unto the said Governor and Company, or their successors, by any servant by them to be employed in the said voyages and plantations, it shall and may be lawful to and for the said Governor and Company, and their respective President, Chief Agent or Governor in the parts aforesaid, to examine upon oath all factors, masters, pursers, super-cargoes, commanders of castles, forts, fortifications, plantations or colonies, or other persons touching or concerning any matter or thing in which by law or usage an oath may be administered, so as the said oath, and the matter therein contained be not repugnant, but agreeable to the laws of this realm, And we do hereby straightly charge and command all and singular our Admirals, Vice-Admirals, Justices, Mayors,  
30 Sheriffs, Constables, Bailiffs, and all and singular other our officers, ministers, liegemen and subjects whatsoever to be aiding, favoring, helping and assisting to the said Governor and Company, and to their successors and to their deputies, officers, factors, servants, assigns and ministers and every of them, in executing and enjoying the premises, as well on land as on sea, from time to time, when any of you shall thereunto be required; any statute, act, ordinance, proviso, proclamation or restraint heretofore had, made, set forth, ordained or provided, or any other matter, cause or thing whatsoever to the contrary in anywise notwithstanding.

IN WITNESS WHEREOF we have caused these Our Letters to be made Patent.

40 WITNESS Ourselves at Westminster, the second day of May, in the two and twentieth year of our reign.

By Writ of Privy Seal.

**Rupert's Land Act, 1868. 31-32 Victoria, Chapter 105.***(Schedule "B" referred to in No. 2)*

An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and for admitting the same into the Dominion of Canada.

(31st July, 1868.)

WHEREAS by certain Letters Patent granted by His late Majesty King Charles 10 the Second in the Twenty-second Year of his reign certain Persons therein named were incorporated by the Name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and certain lands and territories, Rights of Government, and other Rights, Privileges, Liberties, Franchises, Powers and Authorities, were thereby granted or purported to be granted to the said Governor and Company in His Majesty's Dominions in North America

And whereas by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for Her Majesty, by and with the advice of Her Majesty's Most Honorable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land, and the North-Western Territory, 20 or either of them, into the Union on such Terms and Conditions as are in the Address expressed and as Her Majesty thinks fit to approve, subject to the provisions of the said Act:

And whereas for the Purpose of carrying into effect the Provisions of the said British North America Act, 1867, and of admitting Rupert's Land into the said Dominion as aforesaid upon such Terms as Her Majesty thinks fit to approve, it is expedient that the said Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities so far as the same have been lawfully granted to the said Company should be surrendered to Her Majesty, Her Heirs and Successors, upon such terms and Conditions as may be agreed upon between Her Majesty, and the 30 said Governor and Company as hereinafter mentioned

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1 This Act may be cited as "Rupert's Land Act, 1868."

2 For the Purposes of this Act the Term "Rupert's Land" shall include the whole of the Lands and Territories held or claimed to be held by the said Governor and Company.

3 It shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty by any Instrument under Her Sign Manual and 40 Signet, to accept a Surrender of all or any of the Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers and authorities, whatsoever granted or pur-

ported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company, provided, however, that such Surrender shall not be accepted by Her Majesty until the Terms and Conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty from both the Houses of the Parliament of Canada in pursuance of the One Hundred and forty-sixth Section of the British North America Act, 1867, and that the said Surrender and Acceptance thereof shall be null and void unless  
10 within a month from the date of Such Acceptance Her Majesty does by Order in Council under the Provisions of the said last recited Act admit Rupert's Land into the said Dominion, provided further, that no Charge shall be imposed by such Terms upon the Consolidated Fund of the United Kingdom.

4. Upon the acceptance by Her Majesty of such Surrender all Rights of Government and Proprietary Rights, and all other Privileges, Liberties, Franchises, Powers and Authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished provided that nothing herein contained shall prevent the said Governor and Company from continuing to  
20 carry on in Rupert's Land or elsewhere Trade and Commerce.

5. It shall be competent to Her Majesty by any such Order or Orders in Council as aforesaid, on Address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada, and thereupon it shall be lawful for the Parliament of Canada from the date aforesaid to make, ordain, and establish within the Land and Territory so admitted as aforesaid all such Laws, Institutions and Ordinances, and to constitute such Courts and Officers, as may be necessary for the Peace, Order and good Government of Her Majesty's Subjects and others therein Provided that, until otherwise enacted by the said Parliament of Canada,  
30 all the Powers, Authorities, and Jurisdiction of the Several Courts of Justice now established in Rupert's Land, and of the several Officers thereof, and of all Magistrates and Justices now acting within the said Limits, shall continue in full force and effect therein

**Order of Her Majesty in Council Admitting Rupert's Land and the North-Western Territory into the Union.**

At the Court at Windsor, the 23rd day of June, 1870.

Present

The QUEEN'S Most Excellent Majesty,  
Lord President,  
Lord Privy Seal,  
Lord Chamberlain,  
Mr. Gladstone.

10

WHEREAS by the "British North America Act, 1867," it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-Western Territory, or either of them, into the Union on such terms and conditions in each case as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland

20 And whereas by an Address from the Houses of the Parliament of Canada, of which address a copy is contained in the Schedule to this Order annexed, marked A, Her Majesty was prayed, by and with the advice of Her Most Honorable Privy Council, to unite Rupert's Land and the North-Western Territory with the Dominion of Canada, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government upon the terms and conditions therein stated

And whereas by the "Rupert's Land Act, 1868," it was (amongst other things) enacted that it should be competent for the Governor and Company of Adventurers of England trading into Hudson's Bay (hereinafter called the Company) to surrender to Her Majesty, and for Her Majesty, by any Instrument under Her Sign Manual  
30 and Signet to accept a surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers, and authorities whatsoever, granted or purported to be granted by certain Letters Patent therein recited to the said Company within Rupert's Land upon such terms and conditions as should be agreed upon by and between Her Majesty and the said Company, provided, however, that such surrender should not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land should be admitted into the said Dominion of Canada should have been approved of by Her Majesty and embodied in an Address to Her Majesty from both Houses of the Parliament of Canada, in pursuance of the 146th Section of the "British North America Act, 1867,":

And it was by the same Act further enacted that it should be competent to Her Majesty, by Order or Orders in Council, on Addresses from the Houses of the Parliament of Canada, to declare that Rupert's Land should, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada

And whereas a second Address from both the Houses of the Parliament of Canada has been received by Her Majesty praying that Her Majesty will be pleased, under the provisions of the hereinbefore recited Acts, to unite Rupert's Land on the terms and conditions expressed in certain Resolutions therein referred to and approved of by Her Majesty of which said Resolutions and Address copies are contained in the  
10 Schedule to this Order annexed, marked B, and also to unite the North-Western Territory with the Dominion of Canada, as prayed for by and on the terms and conditions contained in the hereinbefore first recited Address, and also approved of by Her Majesty

And whereas a draft surrender has been submitted to the Governor General of Canada containing stipulations to the following effect, viz. —

1. The sum of £300,000 (being the sum hereinafter mentioned) shall be paid by the Canadian Government into the Bank of England to the credit of the Company within six calendar months after acceptance of the surrender aforesaid with interest on the said sum at the rate of 5 per cent per annum, computed from the date of such  
20 acceptance until the time of such payment.

2. The size of the blocks which the Company are to select adjoining each of their forts in the Red River limits, shall be as follows:—

|   | Acres |
|---|-------|
| Upper Fort Garry and town of Winnipeg, including the enclosed park around shop and ground at the entrance of the town | 500   |
| Lower Fort Garry (including the farm the Company now have under cultivation) . . . . .                                | 500   |
| White Horse Plain. . . . .  | 500   |

3. The deduction to be made as hereinafter mentioned from the price of the  
30 materials of the Electric Telegraph, in respect of deterioration thereof, is to be certified within three calendar months from such acceptance as aforesaid by the agents of the Company in charge of the depots where the materials are stored And the said price is to be paid by the Canadian Government into the Bank of England to the credit of the Company within six calendar months of such acceptance, with interest at the rate of 5 per cent per annum on the amount of such price, computed from the date of such acceptance until the time of payment

And whereas the said draft was on the fifth day of July, one thousand eight hundred and sixty-nine, approved by the said Governor General in accordance with a Report from the Committee of the Queen's Privy Council for Canada; but  
40 it was not expedient that the said stipulations, not being contained in the aforesaid

second Address, should be included in the surrender by the said Company to Her Majesty of their rights aforesaid or in this Order in Council.

And whereas the said Company did by deed under the seal of the said Company, and bearing date the nineteenth day of November, one thousand eight hundred and sixty-nine, of which deed a copy is contained in the Schedule to this Order annexed, marked C, surrender to Her Majesty all the rights of government, and other rights, privileges, liberties, franchises, powers and authorities granted, or purported to be granted to the said Company by the said Letters Patent herein and hereinbefore referred to, and also all similar rights which may have been exercised or assumed  
10 by the said Company in any parts of British North America not forming part of Rupert's Land, or of Canada or of British Columbia and all the lands and territories (except and subject as in the terms and conditions therein mentioned) granted or purported to be granted to the said Company by the said Letters Patent:

And whereas such surrender has been duly accepted by Her Majesty by an instrument under Her Sign Manual and Signet, bearing date at Windsor the twenty-second day of June, one thousand eight hundred and seventy

It is hereby Ordered and declared by Her Majesty, by and with the advice of the Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Acts of Parliament that from and after the fifteenth day of July, one  
20 thousand eight hundred and seventy, the said North-Western Territory shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the first hereinbefore recited Address, and that the Parliament of Canada shall from the day aforesaid have full power and authority to legislate for the future welfare and good government of the said Territory. And it is further ordered that, without prejudice to any obligations arising from the aforesaid approved Report, Rupert's Land shall from and after the said date be admitted into and become part of the Dominion of Canada upon the following terms and conditions, being the terms and conditions still remaining and to be performed of those embodied in the said second address of the Parliament of Canada, and approved of by Her  
30 Majesty as aforesaid:—

1. Canada is to pay to the Company £300,000 when Rupert's Land is transferred to the Dominion of Canada.

2 The Company are to retain the posts they actually occupy in the North-Western Territory, and may, within twelve months of the surrender, select a block of land adjoining each of its posts within any part of British North America not comprised in Canada and British Columbia, in conformity, except as regards the Red River Territory, with a list made out by the Company and communicated to the Canadian Ministers, being the list in the Schedule of the aforesaid Deed of Surrender. The actual survey is to be proceeded with, with all convenient speed.

40 3 The size of each block is not to exceed (10) acres round Upper Fort Garry, (300) acres round Lower Fort Garry; in the rest of the Red River Territory a number

of acres to be settled at once between the Governor in Council and the Company, but so that the aggregate extent of the blocks is not to exceed 50,000 acres.

4. So far as the configuration of the country admits, the blocks shall front the river or road by which means of access are provided, and shall be approximately in the shape of parallelograms, of which the frontage shall not be more than half the depth.

5. The Company may, for fifty years after the surrender, claim in any township or district within the Fertile Belt, in which land is set out for settlement, grants of land not exceeding one-twentieth part of the land so set out. The blocks so granted  
10 to be determined by lot, and the Company to pay a rateable share of the survey expenses, not exceeding 8 cents Canadian an acre. The Company may defer the exercise of their right of claiming the proportion of each township for not more than ten years after it is set out, but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

6. For the purpose of the last Article, the Fertile Belt is to be bounded as follows—On the south by the United States boundary, on the west by the Rocky Mountains, on the north by the northern branch of the Saskatchewan, on the east by Lake Winnipeg, the Lake of the Woods and the waters connecting them.

7. If any township shall be formed abutting on the north bank of the northern  
20 branch of the Saskatchewan River, the Company may take their one-twentieth of any such township, which for the purpose of this Article shall not extend more than five miles inland from the river, giving to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

8. In laying out any public roads, canals, etc., through any block of land reserved to the Company, the Canadian Government may take, without compensation, such land as is necessary for the purpose, not exceeding one twenty fifth of the total acreage of the block, but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any  
30 river or lake, they shall pay to the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants.

9. It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

10. All titles to land up to the eighth day of March, one thousand eight hundred and sixty-nine, conferred by the Company are to be confirmed.

11. The Company is to be at liberty to carry on its trade without hindrance in its corporate capacity, and no exceptional tax is to be placed on the Company's land, trade or servants, nor any import duties on goods introduced by them previous to the surrender.

40 12. Canada is to take over the materials of the electric telegraph at cost price—such price including transport, but not including interest for money, and subject to a deduction for ascertained deterioration.

13. The Company's claim to land under agreements of Messrs. Vankoughnet and Hopkins is to be withdrawn.

14. Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the Company shall be relieved of all responsibility in respect of them.

15. The Governor in Council is authorized and empowered to arrange any details that may be necessary to carry out the above terms and conditions.

And the Right Honorable Earl Granville, one of Her Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

## SCHEDULES

Schedule "A."

ADDRESS TO HER MAJESTY THE QUEEN from the Senate and House of Commons of the Dominion of Canada.

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of the Dominion of Canada in Parliament assembled, humbly approach your Majesty for the purpose of representing -

20 That it would promote the prosperity of the Canadian people, and conduce to the advantage of the whole Empire, if the Dominion of Canada, constituted under the provisions of "British North America Act, 1867," were extended westward to the shores of the Pacific Ocean.

That the colonization of the fertile lands of the Saskatchewan, the Assiniboine, and the Red River districts; the development of the mineral wealth which abounds in the region of the North-west, and the extension of commercial intercourse through the British possessions in America from the Atlantic to the Pacific, are alike dependent on the establishment of a stable government for the maintenance of law and order in the North-Western Territories.

30 That the welfare of a sparse and widely scattered population of British subjects of European origin already inhabiting these remote and unorganized territories, would be materially enhanced by the formation therein of political institutions bearing analogy, as far as circumstances will admit, to those which exist in the several Provinces of this Dominion.

That the 146th section of the "British North America Act, 1867," provides for the admission of Rupert's Land and the North-western Territory, or either of them, into union with Canada, upon the terms and conditions to be expressed in addresses from the Houses of Parliament of this Dominion to your Majesty, and which shall be approved of by your Majesty in Council.

That we do therefore most humbly pray that your Majesty will be graciously pleased, by and with the advice of your Most Honorable Privy Council, to unite Rupert's Land and the North-western Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good  
10 Government, and we most humbly beg to express to your Majesty that we are willing to assume the duties and obligations of government and legislation as regards these territories.

That in the event of your Majesty's Government agreeing to transfer to Canada the jurisdiction and control over the said region, the Government and Parliament of Canada will be ready to provide that the legal rights of any corporation, company or individual within the same shall be respected, and placed under the protection of Courts of competent jurisdiction.

And furthermore that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands  
20 required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines.

All of which we humbly pray your majesty to take into your Majesty's most gracious and favorable consideration

The Senate. Tuesday, December 17th, 1867.

(Signed) JOSEPH CAUCHON, Speaker

House of Commons. Monday, December 16th, 1867

JAMES COCKBURN, Speaker.

Schedule "B."

30

## RESOLUTIONS.

May 28th, 1869.

Resolved, That the Senate and Commons of the Dominion of Canada during the first session of the first Parliament of Canada, adopted an Address to Her Majesty, praying that Her Majesty would be graciously pleased, by and with the advice of Her Most Honorable Privy Council, under the provisions of 146th section of "The

British North America Act, 1867," and on the terms specified in the Address, to unite Rupert's Land and the North-west Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government, and assuring Her Majesty of the willingness of the Parliament of Canada to assume the duties and obligations of government and legislation as regards those territories.

Resolved,—That the Joint Address of the Senate and Commons of Canada was duly laid at the foot of the throne and that Her Majesty, by despatch from the Right Honorable the Secretary of State for the Colonies, to the Governor General 10 of Canada, under date of 23rd of April, 1868, signified Her willingness to comply with the prayer of the said Address, but She was advised that the requisite powers of government and legislation could not, consistently with the existing charter of the Hudson's Bay Company, be transferred to Canada without an Act of Parliament, which Act was subsequently passed by the Imperial Parliament, and received Her Majesty's Assent on the 31st July, 1868.

Resolved, That by despatch dated 8th August, 1868, from the Honorable Secretary of State for the Colonies, the Governor-General was informed, that in pursuance of the powers conferred by the Act for the surrender of the Hudson's Bay Territories to Her Majesty, he proposed to enter into negotiations with the 20 Company as to the terms of such surrender, whereupon, under authority of an order of the Governor-General in Council of the 1st October, 1868, the Honorable Sir George Et. Cartier Baronet, and the Honorable William MacDougall, C.B., were appointed a Delegation to England, to arrange the terms for the acquisition by Canada of Rupert's Land, and by another Order in Council of the same date, were authorized to arrange for the admission of the North-west Territory into union with Canada, either with or without Rupert's Land, as it might be found practicable and expedient.

Resolved,—That the Delegates proceeded on their mission to England and entered into negotiations with His Grace the Duke of Buckingham and Chandos, 30 the Secretary of State for the Colonies, and afterwards with the Right Honorable Earl Granville, his successor in office, for the acquisition by Canada of the territorial and other rights claimed by the Hudson's Bay Company in Rupert's Land, and in any other part of British North America, not comprised in Rupert's Land, Canada, or British Columbia. That terms of agreement were conditionally assented to by the Delegates on behalf of the Dominion and on their return to Canada were submitted with a Report dated 8th May, 1869, which was approved by His Excellency the Governor in Council, on the 14th day of the same month.

Resolved, That the Senate will be prepared to concur in accepting the transfer of the territorial and other rights of the Hudson's Bay Company in Rupert's Land,



"9. The Company is to be at liberty to carry on its trade without hindrance, in its corporate capacity, and no exceptional tax is to be placed on the Company's land, trade or servants, nor any import duty on goods introduced by them previous to the surrender.

"10. Canada is to take over the materials of the electric telegraph at cost price, such price including transport but not including interest for money, and subject to a deduction for ascertained deteriorations.

"11. The Company's claim to land under agreement of Messrs. Vankoughnet and Hopkins to be withdrawn.

10 "12. The details of this arrangement, including the filling up the blanks in Articles 4 and 6, to be settled at once by mutual agreement."

#### "MEMORANDUM

"Details of Agreement between the Delegates of the Government of the Dominion, and the Directors of the Hudson's Bay Company.

"1. It is understood that, in surrendering to Her Majesty all the rights, &c., of the Company in any part of British North America not comprised in Rupert's Land, Canada or British Columbia, the Company are to retain the posts they actually occupy in the North West Territory.

20 "2. It is understood that it will be a sufficient act of selection under Article III, that the Company should, within twelve months, name the number of acres which they will require adjoining each post. The Actual survey to be proceeded with, with all convenient speed.

"3. It is understood that in the Red River Settlement, the size of the blocks to be retained round Upper Fort Garry shall not exceed (10) acres; and that round Lower Fort Garry shall not exceed (300) acres.

"4. It is understood that a list of the stations round which the Company will require blocks of land, with the size of the blocks they will require, shall be made out forthwith, and communicated to the Canadian Ministers.

30 "5. It is understood that Article V. shall be construed to mean that the blocks shall front the river or road, by which means of access are provided, and shall be approximately in the form of parallelograms, of which the frontage shall not be more than half the depth.

"6. It is understood that the Company may defer the exercise of their right of claiming their proportion of each township for not more than ten years after it is set out, but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

"7 It is understood that the blank in Article 6 shall be filled up with 8 cents (Canadian).

"8. It is understood that any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government, in communication with the Imperial Government, and that the Company shall be  
10 relieved of all responsibility in respect of them.

(Signed) "STAFFORD H. NORTHCOTE.  
"G. E. CARTIER  
"W. MACDOUGALL."

"March 22, 1869.

"Memorandum of a further Agreement between Sir Geo. Et. Cartier and Sir Stafford Northcote.

"Inasmuch as the northern branch of the Saskatchewan River is the Northern boundary of the Fertile Belt, and therefore any land on the northern bank is not within the territory of which the Company are to have one-twentieth part, it is  
20 understood that, in forming the townships abutting on the northern bank, the Company shall be at liberty to take their one-twentieth of any such townships, giving up to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

"It is understood that the townships on the northern bank shall not for the above purpose extend more than five miles inland from the river.

"It is understood that, in laying out any public roads, canals, &c., through any block of land reserved to the Company, the Canadian Government may take, without compensation, such land as is necessary for the purpose, not exceeding one-twenty-fifth of the total acreage of the block; but if the Canadian Government  
30 require any land which is actually under cultivation, or which has been built upon or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any river or lake, they shall pay the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants.

"It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

(Signed) "GEO. ET. CARTIER.  
"STAFFORD NORTHCOTE.

"London, March 29, 1869."

Resolved,—That this House learns with satisfaction, by letter from the Under-Secretary of State for the Colonies, of 9th March last, that, in fulfilment of the expectations held out in Mr. Cardwell's despatch of 17th June, 1865, Her Majesty's Government will be prepared to propose to Parliament that the Imperial guarantee be given to a loan of £300,000, the amount of which is proposed to be paid over by Canada on the transfer of the Company's rights.

Resolved,—That the Senate will be ready to concur with the House of Commons in an Address to Her Majesty, that she will be graciously pleased, by and with the advice of Her Most Honorable Privy Council, under the 146th clause of "The British  
10 North America Act, 1867," and the provisions of the Imperial Act, 31 & 32 Vict., cap. 105, to unite Rupert's Land on the terms and conditions expressed in the foregoing Resolutions, and also to unite the North-Western Territory with the Dominion of Canada, as prayed for by, and on the terms and conditions contained in the joint Address of the Senate and the House of Commons of Canada, adopted during the first session of the first Parliament of Canada, and hereinbefore referred to.

Resolved,—That upon the transference of the territories in question to the Canadian Government, it will be the duty of the Government to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer.

20 Resolved,—That the Governor in Council be authorized and empowered to arrange any details that may be necessary to carry out the terms and conditions of the above agreement.

## 2. ADDRESS.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Senate and Commons of the Dominion of Canada in Parliament assembled, humbly approach your Majesty for the purpose of representing:—

That, during the first session of the first Parliament of this Dominion, we adopted  
30 an Address to your Majesty, praying that your Majesty would be graciously pleased, by and with the advice of your Majesty's Most Honorable Privy Council, under the provisions of the 146th section of "The British North America Act, 1867," and on the terms specified in that Address to unite Rupert's Land and the North-West Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate

for their future welfare and good government, and assuring your Majesty of the willingness of the Parliament of Canada to assume the duties and obligations of Government and legislation as regards those territories.

That our joint Address was duly laid at the foot of the Throne, and that your Majesty, by despatch from the Right Honorable the Secretary of State for the Colonies to the Governor General of Canada, under date of the 23rd April, 1868, signified your Majesty's willingness to comply with the prayer of the said Address, but that your Majesty was advised that the requisite powers of government and legislation could not, consistently with the existing charter of the Hudson's Bay Company, be transferred to Canada without an Act of Parliament, which Act was subsequently passed by the Imperial Parliament, and received your Majesty's Assent on the 31st July, 1868.

That by a despatch dated 8th August, 1868, from the Honorable the Secretary of State for the Colonies, the Governor-General was informed that in pursuance of the powers conferred by the Act for the Surrender of the Hudson's Bay territories to your Majesty he proposed to enter into negotiations with the Company as to the terms of such surrender, whereupon under authority of an Order of the Governor General in Council, of the 1st October, 1868, the Honorable Sir George Et. Cartier, Baronet, and the Honorable William MacDougall, C.B., were appointed a delegation to England to arrange the terms for the acquisition by Canada of Rupert's Land, and by another Order in Council of the same date, were authorized to arrange for the admission of the North-West Territory into union with Canada either with or without Rupert's Land, as might be found practicable and expedient.

That the delegates proceeded on their mission to England, and entered into negotiations with His Grace the Duke of Buckingham and Chandos, then Secretary of State for the Colonies, and afterwards with the Right Honorable Earl Granville, his successor in office, for the acquisition by Canada of the territorial and other rights claimed by the Hudson's Bay Company in Rupert's Land, and in any other part of British North America not comprised in Rupert's Land, Canada or British Columbia, on the terms conditionally agreed to on behalf of the Government of Canada by the Honorable Sir George Et. Cartier, Baronet, and the Honorable William MacDougall, C.B., and on behalf of the Hudson's Bay Company by Sir Stafford H. Northcote, Governor of that Company, and approved by His Excellency in Council as aforesaid, which terms are set forth in a letter from Sir Frederic Rogers, Under-Secretary of State for the Colonies, of the 9th March, 1869, communicated to the delegates by direction of Earl Granville, and in two subsequent Memorandums dated respectively 22nd and 29th March, 1869, containing a modification of such terms, and are in the words and figures following:

"Terms, as stated in the Letter from Sir Frederic Rogers of 9th March, 1869."  
40 (These terms as set forth supra are here recited at length.)

"MEMORANDUM.

*"Details of Agreement between the Delegates of the Government of the Dominion  
and the Directors of the Hudson's Bay Company "*

(This memorandum as set forth *supra* is here recited at length.)

*"Memorandum of a further Agreement between Sir Geo. Et. Cartier and Sir Stafford  
Northcote."*

(This memorandum, also above set forth, is here recited at length.)

That we learn with satisfaction by letter from the Under-Secretary of State for the Colonies, of the 9th March last, that, in fulfilment of the expectations held out  
10 in Mr. Cardwell's despatch of the 17th of June, 1865, your Majesty's Government will be prepared to propose to Parliament that the Imperial guarantee be given to a loan of £300,000 the amount which is proposed to be paid over by Canada on the transfer of the Company's rights.

That upon the transference of the territories in question to the Canadian Government it will be our duty to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer, and we authorize and empower the Governor in Council to arrange any details that may be necessary to carry out the terms and conditions of the above agreement.

We therefore most humbly pray that your Majesty will be graciously pleased,  
20 by and with the advice of your Most Honorable Privy Council, under the 146th clause of "The British North America Act, 1867," and the provisions of the Imperial Act, 31 and 32 Vict., cap. 105, to unite Rupert's Land on the terms and conditions expressed in the foregoing resolutions and also to unite the North-Western Territory with the Dominion of Canada as prayed for by and on the terms and conditions contained in our joint Address adopted during the first session of the first Parliament of this Dominion, and hereinbefore referred to.

The Senate, Monday, May 21, 1869.

(Signed) JOSEPH CAUCHON, Speaker.

House of Commons, Ottawa, May 29, 1869.

30 (Signed) JAMES COCKBURN, Speaker.

## DEED OF SURRENDER.

**The Governor and Company of Adventurers of England Trading into Hudson's Bay to Her Majesty Queen Victoria.**

To all whom these presents shall come unto, or concern, the Governor and Company of Adventurers of England, trading into Hudson's Bay, send greeting

WHEREAS the said Governor and Company were established and incorporated by their said name of "The Governor and Company of Adventurers of England, trading into Hudson's Bay," by Letters Patent granted by His late Majesty King Charles the Second in the twenty-second year of his reign, whereby His said Majesty granted unto the said company and their successors the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds in whatsoever latitude they should be, that lay within the entrance of the straits commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid that were not already actually possessed by, or granted to, any of His Majesty's subjects, or possessed by the subjects of any other Christian Prince or State, and that the said land should be from thence forth reckoned and reputed as one of His Majesty's Plantations or Colonies in America, called Rupert's Land, and whereby His said Majesty made and constituted the said Governor and Company and their successors the absolute lords and proprietors of the same territory, limits and places aforesaid and of all other the premises saving the faith, allegiance, and sovereign dominion due to His said Majesty, his heirs and successors for the same, and granted to the said Governor and Company and their successors such rights of Government and other rights, privileges, and liberties, franchises, powers and authorities in Rupert's Land as therein expressed And whereas ever since the date of the said Letters Patent, the said Governor and Company have exercised and enjoyed the sole right thereby granted of such trade and commerce as therein mentioned and have exercised and enjoyed other rights, privileges, liberties, franchises, powers and authorities thereby granted, and the said Governor and Company may have exercised or assumed rights of Government in other parts of British North America not forming part of Rupert's Land, or of Canada or of British Columbia. And whereas by "The British North America Act, 1867," it is (amongst other things) enacted that it shall be lawful for Her present Majesty Queen Victoria, by and with the advice and consent of Her Majesty's most Honorable Privy Council, on address from the Houses of Parliament of Canada to admit Rupert's Land and the North-Western Territory or either of them into the Union of the Dominion of Canada on such terms and conditions as are in the Address expressed, and as Her Majesty thinks fit to approve, subject to the

provisions of the said Act. And whereas by the "Rupert's Land Act, 1868," it is enacted (amongst other things) that for the purposes of that Act the term "Rupert's Land" shall include the whole of the lands and territories held or claimed to be held by the Governor and Company and that it shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty, by any instrument under Her Sign, Manual and Signet to accept a surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers and authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, upon such terms and conditions as shall be

10 agreed upon by and between Her Majesty and the said Governor and Company; provided, however, that such surrender shall not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty from the Houses of Parliament of Canada in pursuance of the 146th section of 'The British North America Act, 1867,' and that upon the acceptance by Her Majesty of such surrender, all rights of Government and proprietary rights, and all other privileges, liberties, franchises, powers and authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, and which shall have been so

20 surrendered, shall be absolutely extinguished, provided that nothing in the said Act contained shall prevent the said Governor and Company from continuing to carry on in Rupert's Land or elsewhere trade and commerce. And whereas Her said Majesty Queen Victoria and the said Governor and Company have agreed to terms and conditions upon which the said Governor and Company shall surrender to Her said Majesty, pursuant to the provisions in that behalf in the "Rupert's Land Act, 1868," contained, all the rights of Government and other rights, privileges, liberties, franchises, powers and authorities, and all the lands and territories (except and subject as in the said terms and conditions expressed or mentioned) granted or purported to be granted by the said Letters Patent, and also all similar rights which have been

30 exercised or assumed by the said Governor and Company in any parts of British North America not forming part of Rupert's Land, or of Canada, or of British Columbia, in order and to the intent that, after such surrender has been effected and accepted under the provisions of the last mentioned Act, the said Rupert's Land may be admitted into the Union of the Dominion of Canada, pursuant to the hereinafore mentioned Acts or one of them. And whereas the said terms and conditions on which it has been agreed that the said surrender is to be made by the said Governor and Company (who are in the following articles designated as the Company) to Her said Majesty are as follows (that is to say):—

1. The Canadian Government shall pay to the Company the sum of £300,000 sterling when Rupert's Land is transferred to the Dominion of Canada.

2. The Company to retain all the posts or stations now actually possessed and occupied by them or their officers or agents whether in Rupert's Land or any other part of British North America, and may within twelve months after the acceptance of the said surrender select a block of land adjoining each of their posts or stations, within any part of British North America not comprised in Canada and British Columbia in conformity, except as regards the Red River Territory, with a list made out by the Company and communicated to the Canadian Ministers, being the list in the annexed schedule. The actual survey is to be proceeded with, with all convenient speed.

- 10     3. The size of each block is not to exceed in the Red River Territory an amount to be agreed upon between the Company and the Governor of Canada in Council.

4 So far as the configuration of the country admits, the blocks shall front the river or road by which means of access are provided, and shall be approximately in the shape of parallelograms, and of which the frontage shall not be more than half the depth.

5. The Company may, at any time within fifty years after such acceptance of the said surrender, claim in any township or district within the fertile belt in which land is set out for settlements, grants of land not exceeding one-twentieth part of the land so set out; the blocks so granted to be determined by lot, and the Company to  
20 pay a rateable share of the survey expenses, not exceeding 8 cents Canadian an acre. The Company may defer the exercise of their right of claiming their proportion of each township or district for not more than ten years after it is set out, but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

6. For the purpose of the last article the fertile belt is to be bounded as follows,— On the south by the United States boundary on the west by the Rocky Mountains; on the north by the Northern Branch of the Saskatchewan River; on the east by Lake Winnipeg, the Lake of the Woods and the waters connecting them.

- 7 If any township shall be formed abutting on the north bank of the northern  
30 branch of the Saskatchewan River the Company may take their one-twentieth of any such township, which, for the purpose of this article, shall not extend more than five miles inland from the river, giving to the Canadian Dominion an equal quantity of the portion of land coming to them of townships established on the southern bank of the said river.

8. In laying out any public roads, canals or other public works, through any block of land reserved to the Company, the Canadian Government may take without

compensation such land as is necessary for the purpose, not exceeding one-twenty-fifth of the total acreage of the block, but if the Canadian Government require any land which is actually under cultivation, which has been built upon, or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any river or lake, the said Government shall pay to the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants

9. It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause, shall be appropriated for public purposes.

10 10. All titles to land up to the eighth day of March, one thousand eight hundred and sixty-nine, conferred by the Company, are to be confirmed.

11 The Company is to be at liberty to carry on its trade without hindrance in its corporate capacity; and no exceptional tax is to be placed on the Company's land, trade or servants, nor any import duty on goods introduced by the said Company previously to such acceptance of the said surrender

12. Canada is to take over the materials of the electric telegraph at cost price; such price including transport, but not including interest for money, and subject to a deduction for ascertained deterioration.

13. The Company's claim to land under an agreement of Messrs. Vankoughnet  
20 and Hopkins is to be withdrawn.

14. Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the Company shall be relieved of all responsibility in respect of them

And whereas the surrender hereinafter contained is intended to be made in pursuance of the agreement, and upon the terms and conditions hereinbefore stated,

Now know ye, and these presents witness, that, in pursuance of the powers and provisions of the "Rupert's Land Act, 1868," and on the terms and conditions aforesaid, and also on condition of this surrender being accepted pursuant to the  
30 provisions of that Act, the said Governor and Company do hereby surrender to the Queen's Most Gracious Majesty, all the rights of Government, and other rights, privileges, liberties, franchises, powers and authorities, granted or purported to be granted to the said Governor and Company by the said recited Letters Patent of His Late Majesty King Charles the Second, and also all similar rights which may have

been exercised or assumed by the said Governor and Company in any parts of British North America, not forming part of Rupert's Land or of Canada, or of British Columbia, and all the lands and territories within Rupert's Land (except and subject as in the said terms and conditions mentioned) granted or purported to be granted to the said Governor and Company by the said Letters Patent. In witness whereof the Governor and Company of Adventurers of England trading into Hudson's Bay have hereunto caused their Common Seal to be affixed, the nineteenth day of November, One thousand eight hundred and sixty-nine.

# THE SCHEDULE ABOVE REFERRED TO.

| Northern Department, Rupert's Land. |                            |                               |                                      |
|-------------------------------------|----------------------------|-------------------------------|--------------------------------------|
| District.                           | Post.                      | Acres of Land.                |                                      |
| English River                       | Ile de la Crosse . . . . . | 50                            |                                      |
|                                     | Rapid River... . . . .     | 5                             |                                      |
|                                     | Portage la Loche.. . . .   | 20                            | say 10 acres each end<br>of portage  |
|                                     | Green Lake . . . . .       | 100                           |                                      |
|                                     | Cold Lake .. . . .         | 10                            |                                      |
|                                     | Deer's Lake . . . . .      | 5                             |                                      |
|                                     |                            | —190                          | acres in English<br>River (Dist.)    |
| 20                                  | Saskatchewan               | Edmonton House . . . . .      | 3000                                 |
|                                     |                            | Rocky Mountain House. . . . . | 500                                  |
|                                     |                            | Fort Victoria .... .          | 3000                                 |
|                                     |                            | St. Paul..... .               | 3000                                 |
|                                     |                            | Fort Pitt . . . . .           | 3000                                 |
|                                     |                            | Battle River. . . . .         | 3000                                 |
|                                     |                            | Carlton House . . . . .       | 3000                                 |
|                                     |                            | Fort Albert . . . . .         | 3000                                 |
|                                     |                            | Whitefish Lake .. . . .       | 500                                  |
|                                     |                            | Lac La Biche . . . . .        | 1000                                 |
|                                     |                            | Fort Assiniboine .... .       | 50                                   |
|                                     |                            | Lesser Slave Lake . . . . .   | 500                                  |
|                                     |                            | Lac St. Anne .... .           | 500                                  |
|                                     |                            | Lac La Nonne . . . . .        | 500                                  |
|                                     |                            | St. Albert ..... .            | 1000                                 |
|                                     |                            | Pigeon Lake . . . . .         | 100                                  |
|                                     |                            | Old White Mud Fort . . . . .  | 50                                   |
|                                     |                            | —25,700                       | acres in Sas-<br>katchewan District. |
| 30                                  |                            |                               |                                      |

*Northern Department, Rupert's Land—Continued*

| District.                            | Post.  | Acres of Land.  |
|--------------------------------------|--|---|
| Cumberland                           | Cumberland House..   | 100   |
|                                      | Fort La Crosse. . . . .  | 3000  |
|                                      | Pelican Lake . . . . .   | 50  |
|                                      | Moose Woods . . . . .  | 1000  |
|                                      | The Pass . . . . .   | 25  |
|                                      | Moose Lake . . . . .   | 50  |
|                                      | Grand Rapid Portage  | 100 50 acres at each end<br>of portage.   |
| 10                                   |  | ———4,325 acres in Cumber-<br>land District.   |
| Swan River                           | Fort Pelly . . . . .   | 3000  |
|                                      | Fort Ellice.....   | 3000  |
|                                      | Q'Appelle Lakes . . . .  | 2500  |
|                                      | Touchwood Hills.. . . .  | 500   |
|                                      | Shoal River . . . . .  | 50  |
|                                      | Manitobah.....   | 50  |
|                                      | Fairford . . . . .   | 100   |
| 20                                   |  | ———9,200 acres in Swan River<br>District.   |
| Red River                            | Upper Fort Garry and Town<br>of Winnipeg ..  |   |
|                                      | Lower Fort Garry (including<br>the farm the Company now<br>have under cultivation) |   |
|                                      | White Horse Plain.....   |   |
|                                      |  | Such number of acres as<br>may be agreed upon<br>between the Company<br>and the Governor of<br>Canada in Council. |
| 30                                   |  |   |
| Manitobah Lake<br>Portage in Prairie | Oak Point. . . . .   | 50  |
|                                      | . . . . .  | 1000  |
|                                      |  | ———1050.  |

*Northern Department, Rupert's Land—Concluded*

| District.                    | Post.        | Acres of Land.                           |
|------------------------------|--------------|--|
| 10                           | Lake La Plue | Fort Alexander... 500                    |
|                              |              | Fort Frances . . . . . 500               |
|                              |              | Eagle's Nest . . . . . 20                |
|                              |              | Big Island. . . . . 20                   |
|                              |              | Lac du Bonnet . . . . . 20               |
|                              |              | Rat Portage . . . . . 50                 |
|                              |              | Shoal Lake. . . . . 20                   |
|                              |              | Lake of the Woods . . . . . 50           |
|                              |              | Whitefish Lake . . . . . 20              |
|                              |              | English River . . . . . 20               |
|                              |              | Hungry Hall . . . . . 20                 |
|                              |              | Trout Lake.. . . . 20                    |
|                              |              | Clearwater Lake. . . . . 20              |
|                              |              | Sandy Point.. . . . 20                   |
|                              |              | —————1300 acres in Lac La Plue District. |
| 20                           | York         | York Factory..... 100                    |
|                              |              | Churchill . . . . . 10                   |
|                              |              | Severn..... 10                           |
|                              |              | Trout Lake . . . . . 10                  |
|                              |              | Oxford . . . . . 100                     |
|                              |              | Jackson's Bay . . . . . 10               |
|                              |              | God's Lake . . . . . 10                  |
|                              |              | Island Lake . . . . . 10                 |
|                              |              | —————260                                 |
| 30                           | Norway House | Norway House . . . . . 100               |
|                              |              | Berens' River . . . . . 25               |
|                              |              | Grand Rapid . . . . . 10                 |
|                              |              | Nelson's River . . . . . 10              |
|                              |              | —————145                                 |
| Total in Northern Department |              | 42170 acres.                             |

*Southern Department, Rupert's Land.*

|    |        |                             |
|----|--------|-----------------------------|
| 40 | Albany | Albany Factory. . . . . 100 |
|    |        | Martin's Falls . . . . . 10 |
|    |        | Osnaburg . . . . . 25       |
|    |        | Lac Seul . . . . . 500      |
|    |        | —————635                    |

*Southern Department, Rupert's Land—Concluded*

| District.                              | Post.                    | Acres of Land. |
|--|--------------------------|----------------|
| East Main                              | Little Whale River . .   | 50             |
|  | Great Whale River . . .  | 50             |
|  | Fort George . . . . .    | 25             |
|  |                          | —125           |
| Moose                                  | Moose Factory . . . . .  | 100            |
|  | Hannah Bay . . . . .     | 10             |
|  | Abitibi . . . . .        | 10             |
| 10                                     | New Brunswick . . . . .  | 25             |
|  |                          | —145           |
| Rupert's River                         | Rupert's House . . . . . | 50             |
|  | Mistassing . . . . .     | 10             |
|  | Temiskamoy . . . . .     | 10             |
|  | Woswonaby . . . . .      | 10             |
|  | Mechinakun . . . . .     | 10             |
|  | Pike Lake . . . . .      | 10             |
|  | Nitchequou . . . . .     | 10             |
|  | Kamapiscan . . . . .     | 10             |
| 20                                     |                          | —120           |
| Kinogamissee                           | Matawagamiq . . . . .    | 50             |
|  | Kuckatocah . . . . .     | 10             |
|  |                          | —60            |
| Total in Southern Department . . . . . |                          | 1085 acres.    |

*Montreal Department, Rupert's Land.*

|   |                            |            |
|---|----------------------------|------------|
| Superior                                  | Long Lake . . . . .        | 10         |
| Temiscamisque                             | Kaksababegmo . . . . .     | 10         |
|   |                            | —20        |
| 30 Labrador                               | Fort Nascopte . . . . .    | 75         |
|   | Outposts, ditto . . . . .  | 25         |
|   | Fort Chumo (Ungava) . . .  | 100        |
|   | South River Outposts . . . | 30         |
|   | George's River . . . . .   | 50         |
|   | Whale River . . . . .      | 50         |
|   | North's River . . . . .    | 25         |
|   | False River . . . . .      | 25         |
|   |                            | —380       |
| 40 Total in Montreal Department . . . . . |                            | 400 acres. |

*Northern Department, North West Territory.*

| District.                       | Post.                     | Acres of Land.                     |
|---------------------------------|---------------------------|------------------------------------|
| Athabasca                       | Fort Chippewyan           | 10                                 |
|                                 | Fort Vermilion            | 500                                |
|                                 | Fort Dunvegan             | 50                                 |
|                                 | Fort St. John's           | 20                                 |
|                                 | Forks of Athabasca River. | 10                                 |
|                                 | Battle River              | 5                                  |
|                                 | Fond du Lac               | 5                                  |
|                                 | Salt River                | 5                                  |
| 10                              |                           | —805 acres in Athabasca District.  |
| McKenzie's River                | Fort Simpson              | 100                                |
|                                 | Fort Liard                | 300                                |
|                                 | Fort Nelson               | 200                                |
|                                 | The Rapids                | 100                                |
|                                 | Hay River                 | 20                                 |
|                                 | Fort Resolution           | 20                                 |
|                                 | Fort Rae                  | 10                                 |
|                                 | Fond du Lac               | 10                                 |
|                                 | Fort Norman               | 10                                 |
|                                 | Fort Good Hope            | 10                                 |
|                                 | Peel's River              | 10                                 |
|                                 | Lapierre's House          | 10                                 |
| 20                              |                           | Fort Halkett 100                   |
|                                 |                           | - 900 acres in McKenzie's R. Dist. |
| Total in North West Territory . |                           | 1505 acres.                        |

| 30 | Recapitulation.                          | Acres |
|----|--|-------|
|    | Northern Department, Rupert's Land       | 42170 |
|    | Southern       "       "       "         | 1085  |
|    | Montreal       "       "       "         | 400   |
|    | Northern Department, Northwest Territory | 1505  |
|    |  | 45160 |

**Sample True Copy of Letters Patent Granting to Hudson's Bay Company Lands  
Adjoining Posts as Reserved by Deed of Surrender.**

*(Schedule "C" referred to in No. 2.)*

(SEAL) (Sgd.)

J. O. CÔTÉ,

Deputy Governor.

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,  
Queen, Defender of the Faith, &c., &c., &c.

10 To ALL TO WHOM these Presents shall come,

## GREETING.

WHEREAS by "The Ruperts Land Act 1868," (Imperial) power was given for the Governor and Company of Adventurers of England trading into Hudson's Bay, (hereinafter called "the Company") to surrender and for Her Majesty to accept a surrender of all the lands rights, franchises, &c., of the Company within Ruperts Land for the purpose of having Ruperts Land admitted into the Dominion of Canada.

AND whereas such surrender has been duly made and accepted.

(Sgd.)

A. POWER.

20 for the Deputy  
of the Minister  
of Justice,  
Canada.

AND whereas by one of the terms and conditions of the surrender the said Company were to retain all the Posts or Stations then actually possessed and occupied by them, their Officers or Agents whether in Ruperts Land or any other part of British North America, and might, subject to certain provisions within twelve months after the acceptance of the said Surrender, select a block of land adjoining each of their Posts or Stations within any part of British North America not comprised in Canada and British Columbia.

AND whereas the North West Territory and Ruperts Land have been duly admitted into and now form part of Our Dominion of Canada.

AND whereas the block of land to be retained by the Company adjoining the Post or Station hereinafter mentioned has been duly selected, surveyed and set out, and it is expedient that Letters Patent granting to the Company such block of land should be issued.

30

NOW KNOW YE that in pursuance and in consideration of the premises, We, by these Presents, Do grant, convey and assure unto the said THE GOVERNOR and COMPANY OF ADVENTURERS OF ENGLAND trading into Hudson's Bay, their successors and assigns the parcel or tract of land following, that is to say.

ALL and singular that parcel or tract of land situate lying and being in the Province of Manitoba, in our Dominion of Canada, and being composed of the Reserve at Fairford Mission, and being more particularly described as follows that is to say—commencing at a Poplar post marked HB, planted on the most southerly bank of the Fairford River at the northeast angle of the Reserve hereby described,—thence due south fifty three chains and ninety two links to a Poplar post marked HB, —thence due west twenty chains to a Poplar post marked HB —thence due north six chains and ten links to a Poplar post marked HB planted on the most southerly bank of the Fairford River —thence in a northerly direction following the said bank of the  
 10 said river to the place of beginning, containing by admeasurement One hundred acres, more or less, and being the block of land surveyed and set out adjoining the Post or Station of the Company, known as FAIRFORD MISSION.

TO HAVE AND TO HOLD the said land hereby granted, conveyed and assured unto the said The Governor and Company of Adventurers of England Trading into Hudson's Bay their successors and assigns for ever

SAVING excepting and reserving nevertheless unto Us Our heirs and successors the free use passage and enjoyment of in over and upon all navigable waters that shall or may be hereafter found on or under or be flowing through or upon any part of the parcel or tract of land hereby granted

20 PROVIDED, however, and these presents are issued subject to the condition that in laying out any public roads canals or other public works through the block of land hereby granted, the Government of Our Dominion of Canada may take without compensation such land as is necessary for the purpose not exceeding one twenty fifth of the total acreage of the block, but if Our said Government require any land which is actually under cultivation, which as been built upon, or which is necessary for giving the Company's servants access to any River or Lake, or as a frontage to any River or Lake, our said Government shall pay to the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants.

30

Ref: No. 11754.

Reg: No. 11868.

Grant No. 39.

{ GIVEN under the Great Seal of Canada. WITNESS Joseph Olivier Côté, Esquire, Deputy of Our Right Trusty and Well-beloved Councillor Sir John Douglas Sutherland Campbell, (commonly called THE MARQUIS of LORNE,) Knight of Our Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, GOVERNOR GENERAL of CANADA, and Vice Admiral of the same.

AT Ottawa, this twenty seventh day of January, in the year of Our Lord, one thousand eight hundred and eighty two, and in the forty fifth year of Our Reign.

40

(SGD) Lindsay Russell

BY COMMAND,

Deputy of the Minister of the Interior.

"HB" (SGD. Edouard K. Langevin

Under Secretary of State.

**Copy of Order in Council of 6th December, 1872, Relating to Reconveyance of Hudson's Bay Company's Selected Lands Within the Fertile Belt.**

*(Schedule "D" referred to in No. 2.)*

P.C. 1169.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 6th December, 1872.

On a letter dated 3rd December, 1872, from the Hon. Donald A. Smith, Chief Commissioner of the Hudson's Bay Company, acknowledging the receipt of the 10 Surveyor General's letter dated the 28th ultimo informing him of the action of the Honourable the Privy Council in disposing of certain points raised in his letter of the 21st ultimo respecting the Hudson's Bay Company's land rights in certain portions of the territory within the Fertile Belt, and stating that his third enquiry must have been misunderstood as the closing paragraph of the Surveyor General's letter can hardly be considered as replying to it, inasmuch as it does not say (what it is his wish to elicit) that the Government will accept a re-conveyance from the Company of such lands as they may not desire to retain

Mr. Smith requests that this point may be reconsidered and that the Government will give a favourable reply.

- 20 The Hon. the Secretary of State in a Report dated 4th December, 1872, states that he sees no objection to the Hudson's Bay Company reconveying to the Government any lands which may fall to them under the operation of the Dominion Lands Act, provided that such reconveyance is made without any equivalent therefor and within Twelve months from the time when the title to such lands may have become vested in the Company, and he therefore recommends that the Order in Council of the 28th ultimo be amended accordingly

The Committee submit the above recommendation for Your Excellency's approval.

(Sgd) Rodolphe Boudreau,  
Clerk of the Privy Council.

No. 9

Minute of Resolution of Hudson's Bay Co., Dated 7th Jan., 1873, Approving  
Proposal Set Forth in Order in Council of 6th Dec., 1872.

(Schedule "E" referred to in No. 2.)

EXTRACT FROM THE MINUTES OF A MEETING HELD ON TUESDAY,  
JANUARY 7th, 1873.

Read copy of a Report of a Committee of the Honorable the Privy Council,  
approved by His Excellency the Governor General of Canada December 1872, stating  
that there is no objection to the Hudson's Bay Company reconveying to the Govern-  
10 ment any lands which may fall to them under the operation of the Dominion Lands  
Act, provided that such reconveyance is made without any equivalent therefor, and  
within twelve months from the time when the title to such lands may have been  
vested in the Company.

RESOLVED that the said Dominion Lands Act and this Order in Council be taken  
and substituted for the provisions contained in the Deed of Surrender of Ruperts  
Land in all matters relating to the Company's one twentieth of the lands within the  
Fertile Belt.

This Agreement shall not however be considered as waiving to any extent  
whatever the right of the Company to their proportion of any and all lands which  
20 may have been or may hereafter be reserved by the Government for Indians.

No. 10

Copy of Notification to Hudson Bay Co. of Surveys of Townships, Within the Fertile Belt, and Confirmation Thereof.

(Schedule "P" referred to in No. 2.)

COPY—H

GR

File 153149 No. 2.

30th June, 1881.

Sir,

I have the honor, by direction of the Acting Minister of the Interior, pursuant to the provisions of Sec. 21 of the Dominion Lands Act of 1879, to notify through you the Governor of the Honourable Hudson's Bay Company that the Townships set forth in the schedule herewith, of to-day's date, have been surveyed and the respective surveys thereof confirmed.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd) Lindsay Russell,

Surveyor General.

C. J. Brydges, Esq.,

Land Commissioner,

20 Hudson's Bay Co.,

Montreal, Que.

COPY

Schedule of certain whole Townships in the North West Territory the surveys of which have been confirmed—

To accompany the notification to the Hudson's Bay Company dated 30th June, 1881.

|    | No. of Range    |                          | No. of Range     |                |
|----|-----------------|--------------------------|------------------|----------------|
|    | West of 1st Mer | Township                 | West of 2nd Mer. | Township       |
|    | 18              | 9                        | 1                | 25, 26         |
| 30 | 19              | 10                       | 2                | 25, 26         |
|    | 20              | 10                       | 3                | 25, 26         |
|    | 22              | 4                        | 4                | 25, 26         |
|    | 25              | 1, 2                     | 13               | 27, 29, 30     |
|    | 26              | 1, 2, 21                 | 14               | 28, 29, 30     |
|    | 27              | 3, 4, 13, 14, 16, 21, 22 | 15               | 27, 28, 29, 30 |
|    | 28              | 13, 14, 15, 21, 22       | 16               | 27, 28         |
|    | 29              | 14, 21, 22, 27, 28       |                  |                |
|    | 30              | 14, 21, 22, 27, 28       |                  |                |
|    | 32              | 21                       |                  |                |

40 Department of the Interior,

Dominion Lands Office,

Ottawa, 30th June, 1881.

(Sgd) Lindsay Russell,

Surveyor General.

**Copy of Letters Patent Issued to Hudson's Bay Co. for Lands in Fractional Townships Within the Fertile Belt.**

(Schedule "G" referred to in No. 2.)

C. J. Jones,  
Deputy Governor.

CANADA.

(SEAL)

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

10

To all to whom these Presents shall come, GREETING:—

WHEREAS in pursuance of the Fifth Article of the terms and conditions of a certain Deed of Surrender from the Governor and Company of Adventurers of England trading into Hudson's Bay (hereinafter called "The Company") to Us, bearing date the Nineteenth day of November one Thousand eight hundred and sixty nine and of the provisions in that behalf contained in the Act 7-8 Edward VII, Chapter 20 the lands hereinafter described have been allotted to the Company as its one-twentieth of the Fractional Township in which the said lands are situated.

20 NOW KNOW YE that in consideration of the premises, and in pursuance of the said Act, We do by these presents grant unto the Company, its successors and assigns all those parcels or tracts of land, situate, lying and being in the Province of Saskatchewan, in Our Dominion of Canada, and being composed of

FIRSTLY.—The South Half and the North West quarter of Section Twenty-six, in Township Twenty-nine, in Range thirty, West of the Principal Meridian, containing by admeasurement Four Hundred and Eighty (480) acres more or less.

30 SECONDLY.—The whole of Fractional Section Eight, in Township Thirty-five, in Range Thirty-two, West of the Principal Meridian, as shown upon a map or plan of survey of the said thirty-fifth Township in the Thirty-second Range approved and confirmed at Ottawa, on the 24th day of February, A D. 1906, by Edouard Deville, Surveyor General of Dominion Lands and of record in the Department of the Interior, containing by admeasurement Four Hundred and sixty-four and thirty hundredths (464-30/100) acres more or less, and also the East half of Section Twenty-six of the said Township containing by admeasurement Three Hundred and Twenty (320) acres more or less and

THIRDLY.—The whole of Section Eight in Township Thirty-seven, in Range One West of the Second Meridian containing by admeasurement Six Hundred and

Forty (640) acres more or less and also the North West quarter of Section Twenty-six of the said Township containing by admeasurement One Hundred and Sixty (160) acres more or less. The lands hereby granted containing by admeasurement together Two thousand and sixty-four and thirty hundredths (2064 30/100) acres more or less.

TO HAVE AND TO HOLD the said parcels or tracts of land hereby granted unto the Company its successors and assigns forever—

SAVING EXCEPTING AND RESERVING, nevertheless, unto Us, our successors and assigns, the free use, passage and enjoyment of, in, over and upon all navigable 10 waters that now are or may be hereafter found on, or under, or flowing through or upon any part of the said parcels or tracts of land, also reserving thereout and therefrom all rights of Fishery and Fishing and occupation in connection therewith upon, around and adjacent to the said lands and also the privilege of landing from and mooring boats and vessels upon any part of the said lands and using the said lands in connection with the rights of Fishery and Fishing hereby reserved, so far as may be reasonably necessary to the exercise of such rights.

PROVIDED, however, that in laying out any Public roads, canals or other public works through any of the said lands hereby granted, the Canadian Government may take, without compensation, such land as is necessary for the purpose, not exceeding 20 one-twenty-fifth of the total acreage of any parcel of the said lands but if the Canadian Government require for such purposes any land which is actually under cultivation, which has been built upon or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any river or lake, the said Government shall pay to the Company the fair value of the same, and shall make compensation for any injury done to the Company or its servants.

PROVIDED that the whole of the land to be appropriated within the meaning of the last preceding paragraph shall be appropriated for public purposes.

30 GIVEN under the Great Seal of Canada. WITNESS,  
Charles Jerome Jones, Esquire a Companion of Our  
Imperial Service Order, Deputy of Our Right Trusty  
and Right Well Beloved Cousin and Councillor, the  
Right Honorable Sir Albert Henry George, Earl Grey,  
Viscount Howick, Baron Grey of Howick, in the County  
H B. Co's. Grant No. 404. of Northumberland, in the Peerage of the United King-  
dom, and a Baronet, Knight Grand Cross of Our Most  
Distinguished Order of Saint Michael and Saint George,  
Knight Grand Cross of Our Royal Victorian Order,  
etc., etc., Governor General and Commander-in-Chief of  
Our Dominion of Canada.

BY COMMAND.

AT OTTAWA this Seventh day of July in the year of our Lord One Thousand Nine Hundred and ten and in the first year of our Reign.

(Sgd.) J. A. Côté,

Assistant Deputy of the Minister of the Interior.

(Sgd.)

P. Lewin,

Assistant Under Secretary of State.

Recorded in the Department of the Interior, the 15 July, 1910.

10 Liber 393, Folio 399.

(Signed) N. O. Côté,

Registrar of Dominion Lands Patents.

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No. 12

Copy of Letters Patent Granting to Hudson's Bay Co. Certain Lands in Lieu of Other Lands Within Fertile Belt Re-conveyed to Crown.

(Schedule "H" referred to in No. 2)

C. J. Jones,

Deputy Governor.

CANADA

20

GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come GREETING

WHEREAS the Governor and Company of Adventurers of England Trading into Hudson's Bay, (hereinafter called "the Company") are under the terms and conditions of a certain Deed of Surrender from the Company to Us, entitled to one-twentieth of the lands surveyed into Townships, in a certain portion of Our North West Territories of Canada described and designated as the Fertile Belt.

30 AND WHEREAS it is, in and by the Act of the Parliament of Canada, called and known as the "Dominion Lands Act" amongst other things in effect enacted that on the Survey of a Township, (in which the Company's lands are situated) being effected, should the Sections allotted to the Company, or any of them, or any portion of them, be found to have been bona fide settled on under the authority of any Order in Council

or of the said Act, then if the Company forego their right to the Sections settled upon as aforesaid or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof from any lands then unoccupied.

AND WHEREAS the Company being entitled by grants from Us and by the provisions of the said Act, among other lands, to certain lands equal in quantity to the lands hereafter described and hereby conveyed, and the lands to which they were so entitled, having been found on survey settled upon either under the authority of an Order in Council, or of the said Act, the Company have surrendered the said  
10 lands to Us.

AND WHEREAS the Company have selected the lands hereinafter described and hereby conveyed and which are equal in quantity to those so settled upon and surrendered as aforesaid in lieu of those so surrendered

NOW KNOW YE that by these presents We do grant unto the Company its successors and assigns forever all those parcels or Tracts of Land, situate, lying and being in the Thirteenth Township in the Twenty eighth Range West of the Second Meridian in the Province of Saskatchewan, in Our Dominion of Canada, and being composed of the South half of Section Two and the North East quarter of section sixteen both of the said township containing by admeasurement together Four  
20 Hundred and Eighty acres more or less.

TO HAVE AND TO HOLD the said Parcels or Tracts of Land unto the said the Company its successors and assigns forever.

Saving and excepting nevertheless unto Us, Our Successors and Assigns, the free uses, passage and enjoyment, of, in over and upon all navigable waters that now are or may be hereafter found on or under, or flowing through or upon any part of the said Parcels or Tracts of Land, and also reserving thereout and therefrom all rights of fishery and fishing and occupation in connection therewith upon, around and adjacent to the said lands, and also the privilege of landing from and mooring boats and vessels upon any part of the said lands, and using the said lands in connection  
30 with the rights of fishery and fishing hereby reserved, so far as may be reasonably necessary to the exercise of such rights.

PROVIDED however that in laying out any Public Roads, Canals or other Public Works through any of the lands hereby granted the Canadian Government, may take, without compensation, such land as is necessary for the purpose not exceeding one-twenty-fifth of the total acreage of any parcel of the said lands but if the Canadian Government require for such purpose any land which is actually under cultivation, which has been built upon or which is necessary for giving the Company's servants access to any river or lake, or as frontage to any river or lake the said Government shall pay to the Company the fair value of the same and shall make compensation for any injury done to the Company or its servants  
40

PROVIDED that the whole of the land to be appropriated within the meaning of the last preceding paragraph shall be appropriated for public purposes.

GIVEN under the Great Seal of Canada:—Witness Charles Jerome Jones, Esquire, a Companion of Our Imperial Service Order, Deputy of Our Most Dear and Entirely Beloved Uncle and Most Faithful Counsellor, Field Marshal His Royal Highness Prince Arthur William Patrick Albert, Duke of Connaught and of Strathern, Earl of Sussex (in the Peerage of the United Kingdom) Prince of the United Kingdom of Great Britain and Ireland, Duke of Saxony, Prince of Saxe-Coburg and Gotha, Knight of Our Most Noble Order of the Garter, Knight of Our Most Ancient  
10 and Most Noble Order of the Thistle, Knight of Our Most Illustrious Order of Saint Patrick, One of Our Most Honourable Privy Council, Great Master and Principal Knight of the Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Commander of Our Most Exalted Order of the Star of India, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Commander of Our Most Eminent Order of the Indian Empire, Knight Grand Cross of our Royal Victoria Order; Our Personal Aide-de-Camp, Governor General and Commander-in-chief of Our Dominion of Canada

Fiat No. 267693  
Hudson's Bay Company's

20 Grant No. 519

{ AT OTTAWA, this Tenth day of May, in  
the year of our Lord one thousand nine  
hundred and thirteen and in the Fourth  
year of Our Reign.

BY COMMAND

(Sgd.) N. O. CÔTÉ,

for Deputy of the Minister of the Interior.

(Sgd.) B. PERNTIN,

Assistant Under Secretary of State.

Recorded in the Department of the Interior the 13 May 1913.

Liber 502, Folio 350.

(Sgd.) Wm. S. Glidden,

Deputy Registrar of Dominion Lands Patents.

30 I certify that the within Instrument was duly entered and Registered in the Land Titles Office for the Moose Jaw Land Registration District at Moose Jaw in the Province of Saskatchewan at 2.57 o'clock P.M. on the 20 day of May A.D. 1913, Number P. 1952 Book P., Fol. 85

(Sgd.) P. F. Harding,

Dy Registrar M.J.L.R.D.

I certify the within to be a true and correct Copy of Instrument No. P. 1952 registered in the Land Titles Office for the Moose Jaw Land Registration District at Moose Jaw, at 2.57 o'clock P.M. on the 20 day of May 1913.

Dated at Moose Jaw at 10.00 o'clock A.M. this 16 day of Oct. 1923.

(Sgd.) A. W. HAIGH,

Registrar M.J.L.R.D.

40

(Seal Moose Jaw Land Registration District)

Order of Supreme Court for Inscription of Reference and Directions

IN THE SUPREME COURT OF CANADA

Before the Honourable Mr. Justice Mignault, Saturday the 20th day of February,  
A.D., 1926.

IN THE MATTER OF A REFERENCE AS TO THE POWER OF THE PARLIAMENT OF CANADA  
AND OF THE GOVERNMENT OF CANADA WITH RESPECT TO PRECIOUS METALS IN,  
UNDER OR UPON CERTAIN LANDS OF THE HUDSON'S BAY COMPANY, AND AS TO  
THE OWNERSHIP OF SUCH PRECIOUS METALS.

- 10 Upon the application of the Attorney General of Canada for directions as to the inscription for hearing of the case relating to the above questions referred by His Excellency the Governor General, for hearing and consideration by the Supreme Court of Canada under the provisions of section 60 of the Supreme Court Act, upon hearing read the Order in Council dated the 26th day of January, 1926 (P. C. 108), and the document "A" referred to therein, setting forth the said questions, upon reading the affidavit of W. Stuart Edwards filed herein, and upon hearing what was alleged by counsel for the applicant

It is ORDERED that the said case be inscribed for hearing Monday the 26th day of April, A.D., 1926.

- 20 AND IT IS FURTHER ORDERED that Messrs. Munson, Allan, Laird, Davis, Haffner & Hobkirk, solicitors for the Hudson's Bay Company (having their offices at 333 Main Street, Winnipeg, Manitoba), and the Attorneys General of the provinces of Ontario, Quebec, Alberta, Saskatchewan, British Columbia and Manitoba, be notified of the hearing of the argument of the said case by sending to each of them by registered letter on or before the 26th day of February, 1926, a notice of hearing of the said reference and a copy of the said Order in Council together with a copy of the document marked "A," referred to therein, and of the schedules A to H, inclusive, referred to in said document "A," as well also as a copy of this Order.

- AND IT IS FURTHER ORDERED THAT the Attorney General of Canada, the Hudson's Bay Company and the Attorneys General of the provinces aforesaid, be at liberty to file factums of their respective arguments on or before the 15th day of April, 1926, and that they be at liberty to appear personally or by counsel upon the argument of the said reference.

AND IT IS FURTHER ORDERED THAT notice of the said reference be given in the Canada Gazette on or before the 6th day of March, A.D., 1926.

(Sgd.) P. B. MIGNAULT.

J

Notice of Hearing

(Published in Canada Gazette, Feb. 27th, 1926, at pp. 2414-15.)

**TAKE NOTICE** that questions have arisen as to the power of the Parliament of Canada and of the Government of Canada over the precious metals, gold and silver, in, under or upon certain lands of The Governor and Company of Adventurers of England trading into Hudson's Bay, commonly called the Hudson's Bay Company (hereinafter called the Company), and as to the ownership of the said precious metals, which questions depend for their solution in part upon the provisions of a Deed of Surrender bearing date 19th day of November, 1869, whereby the Company did surrender to Her late Majesty, upon certain terms and conditions, all the rights of government and other rights, privileges, liberties, franchises, powers and authorities granted or purported to be granted to the Company by certain letters Patent granted by His late Majesty King Charles II to the Company, bearing date 2nd May, 1670, and also all the lands and territories within Rupert's Land (except and subject as in the said terms and conditions mentioned) granted or purported to be granted to the Company by the said Letters Patent, and also upon an Order of Her late Majesty in Council, bearing date 23rd day of June, 1870 whereby Rupert's Land and the North West Territories were admitted into the Dominion of Canada.

**AND FURTHER TAKE NOTICE** that, it having been agreed between counsel for the Government of Canada and the said Company that it was advisable to refer the matters in question to the Supreme Court of Canada, the Governor General in Council did, by Order-in-Council of the 26th January, 1926 (P. C. 108), refer the following questions to the Supreme Court of Canada for hearing and consideration, under the authority of the Supreme Court Act:—

1. In whom, after the acceptance of the said surrender and the passing of the said Order in Council of the 23rd day of June, 1870, were vested the precious metals, gold and silver, in, under or upon, the lands possessed and occupied at the date of the said surrender as posts or stations, whether in Rupert's Land or any other part of British North America, by the Company, its officers or agents, whether in the Crown, represented by the Dominion of Canada, or in the Company?

2. In whom were vested the precious metals, gold and silver, in, under or upon the blocks of land adjoining the posts or stations of the Company in any part of British North America, not comprised in Canada and British Columbia, selected by the Company, whether in the Crown, represented by the Dominion of Canada or in the Company:—

(a) Upon the selection by the Company of the said blocks of land.

(b) Upon the issue to the Company of the Crown patents for the said blocks of land.

3. In whom were vested the precious metals, gold and silver, in, under or upon, the sections of land or parts thereof in the said fertile belt which were vested in the Company by notification, upon such notification, whether in the Crown represented by the Dominion of Canada, or in the Company?

4. In whom were vested the precious metals, gold and silver, in, under or upon the land granted to the Company by letters patent from the Crown upon the issue thereof—

(a) In satisfaction of the Company's one-twentieth of the land in fractional townships, or in townships broken by lakes.

10 (b) In lieu of lands allotted to the Company but found to be settled upon.

5. In whom were vested the precious metals, gold and silver, in, under or upon, the lands granted to the Company by letters patent in lieu of land in which the Company relinquished and surrendered its rights to the Crown upon the issue of such patents.

6. In whom were vested the precious metals, gold and silver, in, under or upon, the land granted to the Company by letters patent in lieu of land conveyed by the Company to the Crown upon the issue of such patents?

7. If in any of such cases the precious metals, gold and silver, were vested in the Company did the repeal of section 37 of The Dominion Lands Act, 1879, Chapter 20 31 of 42 Victoria, by section 6 of Chapter 26 of 43 Victoria, or the enactment of section 43 of Chapter 17 of 46 Victoria, or of The Dominion Lands Act, Chapter 20 of 7 and 8 Edward VII, or any other enactment affect the ownership of the said precious metals in such case?

Dated at Ottawa this 24th day of February, 1926

(Signed) W STUART EDWARDS,  
*Deputy Minister of Justice.*

Notice to the same effect sent to—

The Attorneys-General of Ontario, Quebec, Alberta, Saskatchewan, British Columbia and Manitoba, and to Messrs. Munson, Allan, Laird, Davis, Haffner and 30 Hobkirk, solicitors for the Hudson's Bay Co., Winnipeg, Man

**APPENDIX**  
**OF**  
**STATUTES**

## THE BRITISH NORTH AMERICA ACT, 1867

### 30 VICTORIA, CHAPTER 3

AN Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for purposes connected therewith.

WHEREAS the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom

AND WHEREAS such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire

AND WHEREAS on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared

AND WHEREAS it is expedient that Provision be made for the eventual admission into the Union of other Parts of British North America

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows.

20     1. This Act may be cited as The British North America Act, 1867

..

109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all Sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same.

146. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-western Territory or either of them, into the Union, on such Terms and Conditions in each Case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the Provisions of this Act; and the Provisions of any Order in Council in that Behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

## THE MANITOBA ACT, 1870

### 33 VICTORIA, CHAPTER 3 (CANADA)

An Act to amend and continue the Act 32 and 33 Victoria, chapter 3 and to establish and provide for the Government of the Province of Manitoba.

*(Assented to 12th May, 1870)*

WHEREAS it is probable that Her Majesty the Queen may, pursuant to the British North America Act, 1867, be pleased to admit Rupert's Land and the North Western Territory into the Union or Dominion of Canada, before the next Session of the Parliament of Canada

10 AND WHEREAS it is expedient to prepare for the transfer of the said Territories to the Government of Canada at the time appointed by the Queen for such admission

AND WHEREAS it is expedient also to provide for the organization of part of the said Territories as a Province, and for the establishment of a Government therefor and to make provision for the Civil Government of the remaining part of the said Territories, not included within the limits of the Province

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows

1. On from and after the day upon which the Queen, by and with the advice and consent of Her Majesty's Most Honourable Privy Council, under the authority  
20 of the 146th Section of the British North America Act, 1867, shall by Order in Council in that behalf, admit Rupert's Land and the North Western Territory into the Union or Dominion of Canada, there shall be formed out of the same a Province, which shall be one of the Provinces of the Dominion of Canada, and which shall be called the Province of Manitoba and be bounded as follows: that is to say commencing at the point where the meridian of ninety six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude, thence due west along the said parallel of forty nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North Western Territory) to the meridian of ninety nine degrees of west longitude,  
30—thence due north along the said meridian of ninety-nine degrees west longitude, to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude, thence due east along the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the beforementioned meridian of ninety-six degrees west longitude thence due south along the said meridian of ninety six degrees west longitude to the place of beginning.

2. On, from and after the said day on which the Order of the Queen in Council shall take effect as aforesaid, the provisions of the British North America Act, 1867 shall, except those parts thereof which are in terms made, or, by reasonable intentment, may be held to be specially applicable to, or only to affect one or more, but

not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the Province of Manitoba, in the same way, and to the like extent as they apply to the several Provinces of Canada, and as if the Province of Manitoba had been one of the Provinces originally united by the said Act.

30. All ungranted or waste lands in the Province shall be, from and after the date of the said transfer, vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion subject to, and except and so far as the same may be affected by, the conditions and stipulations contained in the agreement 10 for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty.

31. And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children 20 respectively, in such mode and on such conditions as to settlement and otherwise as the Governor General in Council may from time to time determine.

32. For the quieting of titles, and assuring to the settlers in the Province the peaceable possession of the lands now held by them, it is enacted as follows

1 All grants of land in freehold made by the Hudson's Bay Company up to the eighth day of March, in the year 1869, shall, if required by the owner, be confirmed by grant from the Crown.

2 All grants of estates less than freehold in land made by the Hudson's Bay Company up to the eighth day of March aforesaid, shall if required by the owner, be converted into an estate in freehold by grant from the Crown.

30 3. All titles by occupancy with the sanction and under the license and authority of the Hudson's Bay Company up to the eighth day of March aforesaid, of land in that part of the Province in which the Indian Title has been extinguished, shall, if required by the owner be converted into an estate in freehold by grant from the Crown.

4 All persons in peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian Title has not been extinguished, shall have the right of pre-emption of the same, on such terms and conditions as may be determined by the Governor in Council.

5. The Lieutenant-Governor is hereby authorized, under regulations to be made 40 from time to time by the Governor General in Council, to make all such provisions

for ascertaining and adjusting, on fair and equitable terms, the rights of Common, and rights of cutting Hay held and enjoyed by the settlers in the Province, and for the commutation of the same by grants of land from the Crown.

33. The Governor General in Council shall from time to time settle and appoint the mode and form of Grants of Land from the Crown, and any Order in Council for that purpose when published in the Canada Gazette, shall have the same force and effect as if it were a portion of this Act.

34. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under 10 which that Company surrendered Rupert's Land to Her Majesty

35. And with respect to such portion of Rupert's Land and the North-Western Territory, as is not included in the Province of Manitoba, it is hereby enacted, that the Lieutenant-Governor of the said Province shall be appointed, by Commission under the Great Seal of Canada, to be the Lieutenant-Governor of the same under the name of the North-West Territories, and subject to the provisions of the Act in the next section mentioned.

## THE ALBERTA ACT

### 4 AND 5 EDWARD VII, CHAPTER 3

• An Act to establish and provide for the Government of the Province of Alberta

20

[Assented to 20th July, 1905]

WHEREAS in and by *The British North America Act, 1871*, being chapter 28 of the Acts of the Parliament of the United Kingdom passed in the session thereof held in the 34th and 35th years of the reign of Her late Majesty Queen Victoria, it is enacted that the Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province, and for its representation in the said Parliament of Canada,

30 And whereas it is expedient to establish as a province the territory hereinafter described, and to make provision for the government thereof and the representation thereof in the Parliament of Canada. Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Alberta Act*.

2. The territory comprised within the following boundaries, that is to say,—commencing at the intersection of the international boundary dividing Canada from

the United States of America by the fourth meridian in the system of Dominion lands surveys, thence westerly along the said international boundary to the eastern boundary of the province of British Columbia, thence northerly along the said eastern boundary of the province of British Columbia to the north-east corner of the said province, thence easterly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the system of Dominion lands surveys as the same may be hereafter defined in accordance with the said system, thence southerly along the said fourth meridian to the point of commencement, is hereby established as a province of the Dominion of Canada, to be called and known as the province of  
10 Alberta.

3. The provisions of *The British North America Acts*, 1867 to 1886, shall apply to the province of Alberta in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said province of Alberta had been one of the provinces originally united, except in so far as varied by this Act and except such provisions as are in terms made, or by reasonable intendment, may be held to be specially applicable to or only to affect one or more and not the whole of the said provinces.

20 Inasmuch as the said province will not have the public land as a source of revenue, there shall be paid by Canada to the province by half yearly payments, in advance, an annual sum based upon the population of the province as from time to time ascertained by the quinquennial census thereof, as follows -

The population of the said province being assumed to be at present two hundred and fifty thousand, the sum payable until such population reaches four hundred thousand, shall be three hundred and seventy-five thousand dollars

Thereafter, until such population reaches eight hundred thousand, the sum payable shall be five hundred and sixty-two thousand five hundred dollars

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars

And thereafter the sum payable shall be one million one hundred and twenty-  
30 five thousand dollars.

2 As an additional allowance in lieu of public lands, there shall be paid by Canada to the province annually by half-yearly payments, in advance, for five years from the time this Act comes into force, to provide for the construction of necessary public buildings, the sum of ninety-three thousand seven hundred and fifty dollars.

21. All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the province under *The North west Irrigation Act*, 1898, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of

any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said province with the substitution therein of the said province for the North-west Territories.

**23.** Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Rupert's Land to the Crown.

**25.** This Act shall come into force on the first day of September, one thousand nine hundred and five.

## THE SASKATCHEWAN ACT

4-5 EDWARD VII, CHAPTER 42

An Act to establish and provide for the Government of the Province of Saskatchewan

[Assented to 20th July, 1905]

WHEREAS in and by *The British North America Act, 1871*, being chapter 28 of the Acts of the Parliament of the United Kingdom passed in the session thereof held in the 34th and 35th years of the reign of her late Majesty Queen Victoria, it is enacted that the Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province and for its representation in the said Parliament of Canada,

And whereas it is expedient to establish as a province the territory hereinafter described, and to make provision for the government thereof and the representation thereof in the Parliament of Canada. Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** This Act may be cited as *The Saskatchewan Act*.

**2.** The territory comprised within the following boundaries, that is to say,—commencing at the intersection of the international boundary dividing Canada from the United States of America by the west boundary of the province of Manitoba, thence northerly along the said west boundary of the province of Manitoba to the north-west corner of the said province of Manitoba; thence continuing northerly along the centre of the road allowance between the twenty-ninth and thirtieth ranges west of the principal meridian in the system of Dominion lands surveys, as the said

road allowance may hereafter be defined in accordance with the said system, to the second meridian in the said system of Dominion lands surveys, as the same may hereafter be defined in accordance with the said system thence northerly along the said second meridian to the sixtieth degree of north latitude, thence westerly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the said system of Dominion lands surveys, as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth meridian to the said international boundary dividing Canada from the United States of America, thence easterly along the said international boundary to the point of commencement, is hereby established as a province of the Dominion of Canada, to be called and known as the province of Saskatchewan.

3. The provisions of the British North America Acts, 1867 to 1886, shall apply to the province of Saskatchewan in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said province of Saskatchewan had been one of the provinces originally united, except in so far as varied by this Act and except such provisions as are in terms made, or by reasonable intendment may be held to be, specially applicable to or only to affect one or more and not the whole of the said provinces.

20 20. Inasmuch as the said province will not have the public land as a source of revenue, there shall be paid by Canada to the province by half-yearly payments, in advance, an annual sum based upon the population of the province as from time to time ascertained by the quinquennial census thereof, as follows -

The population of the said province being assumed to be at present two hundred and fifty thousand, the sum payable until such population reaches four hundred thousand, shall be three hundred and seventy five thousand dollars,

Thereafter, until such population reaches eight hundred thousand, the sum payable shall be five hundred and sixty two thousand five hundred dollars,

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars,

30 And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

2. As an additional allowance in lieu of public lands, there shall be paid by Canada to the province annually by half-yearly payments, in advance, for five years from the time this Act comes into force, to provide for the construction of necessary public buildings, the sum of ninety-three thousand seven hundred and fifty dollars.

21. All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the province under *The North-west Irrigation Act, 1898*, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions  
40 of any Act of the Parliament of Canada with respect to road allowances and roads

or trails in force immediately before the coming into force of this Act, which shall apply to the said province with the substitution therein of the said province for the North-west Territories.

23. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Rupert's Land to the Crown.

25. This Act shall come into force on the first day of September, one thousand nine hundred and five.

## AN ACT RESPECTING THE PUBLIC LANDS OF THE DOMINION

(35 VICT. (1872), CHAP. 23)

10

(Assented to 14th April, 1872)

Enacted. WHEREAS it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion that the same should be regulated by statute Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows —

### PRELIMINARY — INTERPRETATION

Inter-  
pretation. 1. This Act shall apply exclusively to the Lands included in Manitoba and the North-West Territories, which lands shall be styled and known as *Dominion Lands*, and this Act shall be known and may be cited as the "*Dominion Lands Act*," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say

Secretary of  
State  
Surveyor  
General. 1 The term *Secretary of State*, means the Secretary of State of Canada.  
2 The term *Surveyor-General* means the said officer, or in his absence the chief clerk performing his duties for the time being.

Agent  
Officer. 3 The term *Agent or Officer* means any person or Officer employed in connection with the administration and management, sale or settlement of Dominion lands and the term *Local Agent* means the Agent for Dominion lands employed as aforesaid, with respect to the lands in question, and the term *Land Office* means the office of any such Agent.

Deputy  
Surveyor. 4 The term *Deputy Surveyor* means a Surveyor duly authorized under the provisions of this Act to survey Dominion lands.

Crown  
Timber  
Agent. 5 The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer in respect to the timber on Dominion Lands.

30

<sup>4</sup>*Island* 6. The term *Island*, as used in connection with timber, means an isolated grove or clump of timber in Prairie.

7. The term *Belt*, as used in connection with timber, means a strip of timber along the shore of a lake, river or water course.

8. The term *Clause* means a section of this Act distinguished by a separate number, and the term *Sub-Clause* means a subdivision of any clause distinguished by a separate number in smaller type.

9 The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa.

## DOMINION LANDS OFFICE

10

Administration and management of the Department of the Secretary of State of Canada, shall be charged with the administration and management of the Dominion lands.

1 Such administration and management shall be effected through a Branch of the said Department, to be known and designated as "*The Dominion Lands Office*"

2. Copies of any records, documents, plans, books, or papers, belonging to or deposited in the said office, attested under the signature of the Secretary of State or of the Surveyor General shall be competent evidence in all cases in which the original records, documents, books, plans, or papers, could be evidence.

3. No person employed in or under the Dominion Lands Office shall purchase any of such lands, except under authority of an Order in Council.

20

#### SYSTEM OF SURVEY

System of Survey

3. Subject always to the provisions hereinafter made with respect to special rated. —

1 The Dominion lands shall be laid off in quadrilateral Townships, containing thirty-six sections of one mile square in each (except in the case of those sections rendered irregular by the convergence or divergence of meridians as hereinafter mentioned), together with road allowances of one chain and fifty links in width, between all townships and sections.

Sections. 2. The sections shall be bounded and numbered as shown by the following diagram:

30

|   |    |    |    |    |    |    |   |
|---|----|----|----|----|----|----|---|
|   | N  |    |    |    |    |    |   |
|   | 31 | 22 | 33 | 24 | 35 | 26 |   |
|   | 30 | 29 | 28 | 27 | 26 | 35 |   |
|   | 19 | 20 | 21 | 22 | 23 | 24 |   |
| W | 18 | 17 | 6  | 5  | 14 | 13 | E |
|   | 7  | 8  | 9  | 0  | 11 | 12 |   |
|   | 6  | 5  | 4  | 3  | 2  | 1  |   |
|   | S  |    |    |    |    |    |   |

Townships to measure on each side 489 chains.

Proviso as to reduction of width of road allowances, in certain places

Lines bounding townships

Townships shall be numbered

Other governing or guide meridians

Townships to be 489 chains wide on the base line

Base lines for townships

Correction lines, what township lines to be

Division of sections

Allowances for deficiency or surplus in survey of townships

3. The township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, measure on each side, from centre to centre of the road allowances bounding the same, four hundred and eighty-nine chains. Provided that the Governor in Council may hereafter, should the same be deemed expedient, reduce the width of the road allowances on township and section lines in that part of the territory lying north of the line between townships eighteen and nineteen, and east of the tenth range east of the principal meridian, and west of the fourteenth range west of the said meridian.

4. The lines bounding townships on the east and west sides shall in all cases be true meridians and those on the north and south sides shall be chords intersecting circles of latitude passing through the angles of the townships.

5. The townships shall be numbered in regular order northerly from the international boundary or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year 1869, styled the "Principal Meridian," drawn northerly from the said forty-ninth parallel at a point ten miles or thereabouts westerly from Pembina.

6. In the territories east and west of Manitoba such other governing or guide meridians may be adopted and confirmed by the Governor in Council as may from time to time become expedient.

7. The townships shall be laid out the precise width of four hundred and eighty-nine chains, as aforesaid, on the base lines hereinafter mentioned and the meridians between townships shall be drawn from such bases, north or south to the depth of two townships, that is to say, to the correction lines hereinafter mentioned.

8. The said forty-ninth parallel or international boundary shall be the first base line, or that for townships one and two. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession.

9. The correction lines, or those upon which the "log" resulting from want of parallelism of meridians shall be allowed, will be as follows, that is to say On the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those township lines running east and west which are equi-distant from the bases, at the depth of two townships.

10. Each section shall be divided into quarter-sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made.

11. In the survey of any and every township, the deficiency or surplus, as the case may be, resulting from convergence or divergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary of the township, and

the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter sections adjoining and north or south respectively of the said correction lines.

Dimensions and area of irregular quarter sections, how to be returned

**12.** The dimensions and area of the irregular quarter sections resulting from the provision in the next preceding clause, whether the same be deficient or in excess, shall, in all cases, be returned by the surveyor at their actual measurements and contents.

Country to be laid out into blocks of four townships each is the first instance, and how

**13.** Preliminary to the subdivision into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, 10 and east and west meridian boundaries of each block.

Corners

1 On these lines, at the time of the survey all township, section and quarter section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block.

Posts and monuments

2 Only a single row of posts or monuments to indicate the corners of townships, or sections, (except as hereinafter provided) shall be placed on any survey line. These posts or monuments as an invariable rule (with the exception above referred to) shall be placed in the west limit of the road allowances, on north and south lines, and in the south limit of road allowances, on east and west lines and in all cases shall fix and govern the position of the boundary corner between the two adjoining 20 townships, sections, or quarter sections on the opposite side of the road allowance.

Provide as to correction lines.

3 Provided that in the case of the township, section and quarter section corners on correction lines, posts or monuments shall in all cases be planted and marked independently for the townships on either side, those for the townships north of the line, in the north limit of the road allowance, and those for the townships south, in the south limit.

Surveys to be performed by contract.

**14.** The surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate per mile or per acre, fixed from time to time by the Governor in Council.

Legal subdivisions of townships.

**15.** Legal subdivisions as applicable to the survey, sale and granting of the 30 Dominion lands shall be as follows and it shall be sufficient that such legal subdivisions be severally, as the case may require, designated and described by such names or numbers and areas for letters patent, that is to say.

1. A section or 640 acres,  
A half section or 320 acres,  
A quarter section or 160 acres;  
A half quarter section or 80 acres.

Quarter quarter sections.

2. To facilitate the descriptions for Letters Patent of less than a half quarter section, the quarter sections composing every section in accordance with the bound-

aries of the same as planted or placed in the original survey, shall be supposed to be divided into quarter quarter sections, or forty acres, and such quarter quarter sections shall be numbered as shewn in the following diagram:

|    |    |    |    |    |    |
|----|----|----|----|----|----|
|    | N. |    |    |    |    |
|    | 13 | 14 | 15 | 16 |    |
| W. | 12 | 11 | 10 | 9  | E. |
|    | 6  | 6  | 7  | 8  |    |
|    | 4  | 3  | 2  | 1  |    |
|    | S. |    |    |    |    |

Areas to be more or less.

3. The area of any legal subdivision as above set forth, in Letters Patent, shall be held to be more or less, and shall in each case be represented by the exact quantity as given to such subdivision in the original survey.

Proviso, as to the laying out and description of lands in certain localities.

16. Provided that nothing in this Act shall be construed to prevent the lands upon the Red and Assiniboine Rivers surrendered by the Indians to the late Earl of Selkirk from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three or to prevent fractional sections or lands bordering on any river, lake, or other water course or public road, from being divided, or such lands from being laid out in lots of any certain frontage and depth, in such manner as may appear desirable, or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided, or from describing the said lands upon the Red and Assiniboine Rivers, or such subdivisions of fractional sections, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.

## DISPOSAL OF THE DOMINION LANDS

### LANDS RESERVED BY THE HUDSON'S BAY COMPANY

20

Preamble.

17. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt"

Preamble.

And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain

sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth.

**Preamble.**

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a section each, therefore—

Certain sections and parts of sections in our said townships to be known as Hedgcock's Bay Company's lands.

In every fifth township in the said territory that is to say in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each 10 and every of the other townships the whole of section No. 8 and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for, shall be known and designated as the lands of the said Company.

In certain townships the Company's one-twentieth to be set apart by lot.

**18.** Provided, that the next preceding clause shall not apply to fractional townships or those broken by lakes, but only to whole townships, and that in the cases above mentioned the Company's one-twentieth shall be set apart by lot, by the Secretary of State and the said Company, or some person duly authorized by them respectively

Company may select land in lieu of allotted land found to be settled upon under lawful authority.

**19.** Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have 20 been *bona fide* settled on under the authority of any Order in Council, or of this Act, then if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof from any lands then unoccupied.

Company's lands to form so part of timber limits

**20.** Provided also, as regards the sections and parts of sections as mentioned in clause seventeen, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such townships, but shall be held to be the property of the Company

Title to lands to pass to Company without Patent in certain cases, and under patents in other cases.

**21.** As townships are surveyed and the respective surveys thereof confirmed, 30 or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Surveyor General and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands, and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the Local Agent or Agents to the Dominion Lands Office, and patents shall issue for the same accordingly

# EDUCATIONAL ENDOWMENT.

Sections 11 and 29 in every surveyed township set apart as an educational endowment.  
Such sections not to be subject to right of purchase by private entry or pre-emption or homestead right.

**22.** And whereas it is expedient to make provision in aid of education in Manitoba, and the North-West Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands shall be and are hereby set apart as an endowment for purposes of education.

1 The sections so dedicated shall be thereafter dealt with in such manner as may be prescribed by law, and the same are hereby withdrawn from the operation of the clauses in this Act relating to purchase by private entry, and to homestead right, and it is hereby declared that no such right of purchase by private entry or homestead right shall be recognized in connection with the said sections or any part or parts thereof.

Provided such sections are found settled on and improved

2. Provided, that on a township being surveyed, should such sections, or either of them, or any part of either, be found to have been settled on and improved, then and in such case the occupant or occupants conforming to the requirements of this Act shall be confirmed in such possession, and the Secretary of State shall select a quantity equal to that found to have been so settled on from the unclaimed lands in such township, and shall withdraw the land so selected from sale and settlement, and shall set apart and publish the same as school lands, by notice in the *Canada Gazette*.

## MILITARY BOUNTY LAND CLAIMS

Warrants to be granted for lands given for military services.

**23.** In all cases in which land has heretofore been or shall hereafter be given by the Dominion for military services, warrants shall be granted in favour of the parties entitled to such land by the Minister of Militia and Defence: and such warrants shall be recorded in the Dominion Lands Office in books to be kept for the purpose, and shall be located as hereinafter provided, and patents for the lands so located shall be issued accordingly.

Such warrants may be located in lands open for sale, or given in payment for lands.

1 Such warrants may be located by the owners thereof, in any of the Dominion lands open for sale, or may be received in payment for a homestead claim for the same number of acres, or in payment in part or in full, as the case may be, for the purchase at public or private sale of Dominion lands, at the value shown upon their face, estimating the number of acres in the warrant at the price mentioned therein.

As to warrants accepted as purchase money

2 In accepting warrants as so much purchase money, any deficiency shall be payable in cash. But should any payment by warrant or by amount in warrants be in excess, the Government will not return any such excess.

As to locating warrants.

3. In locating a warrant, should the same be for any aliquot part of a section, it must be located in a legal subdivision of corresponding extent, for instance, a warrant calling for one hundred and sixty acres must be located in a certain quarter section intact.

Assignments of Military Bounty Land Warrants.

**24.** Assignments of Military Bounty land warrants duly made and attested before any person entitled by law to take affidavits shall be recognized as conveying the beneficial interest therein, but no assignment of the interest of the original owner

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(except in the case of Red River soldiers' warrants as hereinafter mentioned) will be held as transferring such interest, unless the assignment be endorsed on the back of the warrant, and in subsequent assignments the warrant, unless the same has been lost, (as hereinafter mentioned) must be attached to and form part of the claimant's or locatee's papers.

Warrant or Patent to issue in favour of legal representatives of deceased officer or soldier.

**25.** In all cases where an officer or soldier entitled to Military Bounty land dies before the issue of the warrant, or between the issue of the warrant and the location thereof, the warrant or the patent, or both, as the case may be, shall issue in favour of the legal representatives of such deceased officer or soldier, according to the law of the Province or Territory where the lands in question be, who shall be 10 ascertained in such manner and by such Court, Commissioners or other tribunal, as the Legislature of such Province shall prescribe by any Act passed for that purpose, and shall be certified to the Governor under such Act, or if the lands be in any territory in which there is then no Legislature, then in such manner and by such Commissioners as the Governor in Council may from time to time direct, and any Order in Council in that behalf may vest in any Commissioners under it power to summon witnesses and examine them on oath and to compel the production of documents, and generally may vest in them all such powers and impose upon all other persons all such obligations, as the Governor in Council may deem necessary in order to ascertain and certify to the Governor the person or persons to whom the 20 Patent ought to issue, and on any such certificate under this clause the Patent shall issue in accordance therewith.

New warrant may issue in lieu of warrant lost or destroyed

**26.** Whenever any warrant for Military Bounty land issued in pursuance of this Act is lost or destroyed, whether the same may or may not have been sold and assigned by the original owner, the Minister of Militia and Defence, (such loss or destruction having been proved to his satisfaction), may, and he is hereby required to cause a new warrant of like tenor to be issued in lieu thereof, in favour of the person to whom the warrant belonged at the time of its loss or destruction, if he be still living, or of his legal representatives as aforesaid, if he be no longer living, which new warrant may be assigned, located, and patented, and shall be of like value in 30 every respect, with the original warrant, and in any and all such cases of re-issue, the original warrant, in whosesoever hands it may be, shall be null and void.

Free grant of land by Order in Council, of 25th April, 1871 confirmed.

**27.** And whereas by order of the Governor in Council, dated the 25th April 1871, it is declared that,—

The officers and soldiers of the 1st or Ontario and the 2nd or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service or depot companies, and not having been dismissed therefrom, should be entitled to a free grant of land without actual residence, of one quarter section,—such grant is hereby confirmed and the Minister of Militia and Defence is hereby authorized and required to issue the necessary warrants therefor accordingly.

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Assignments  
of interest in  
such free  
grants  
recognized

**28.** And whereas effect could not be given to the above mentioned Order in Council, until the lands in Manitoba had been surveyed, and in the mean time many of the said men so entitled as above have assigned their interest in such free grants,—such assignments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion Lands Office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued, which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location.

#### ORDINARY PURCHASE AND SALE OF LANDS.

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Surveyed  
Dominion  
lands open  
for purchase  
at \$1 per acre

Proviso

**29.** Unappropriated Dominion lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at the rate of one dollar per acre, but no such purchase of more than a section, or six hundred and forty acres, shall be made by the same person, provided that whenever so ordered by the Secretary of State, such unoccupied lands as may be deemed by him expedient from time to time shall be put up at public sale (of which sale due and sufficient notice shall be given) at the upset price of one dollar per acre, and sold to the highest bidder.

#### PAYMENTS FOR LANDS.

Payments for  
lands to be in  
cash, as a  
rule

**30.** Payments for lands, purchased in the ordinary manner, shall be made in 20 cash, except in the case of payment in military bounty warrants as hereinbefore provided.

#### TOWN PLOTS ETC

Secretary of  
State may re-  
serve tracts of  
land for Town  
or Village  
Plots.

**31.** The Secretary of State shall have power from time to time, to set apart and withdraw from purchase and from the homestead clauses of this Act, any tract or tracts of land which it may be considered by him expedient to lay out into Town or Village Plots, and to cause the same to be surveyed and laid out, and the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction

Governor in  
Council may  
set apart  
lands for  
other public  
purposes

**32.** The Governor in Council may also set apart and appropriate such Dom-30  
inion lands as he may deem expedient, for the sites of market places, gaols, court  
houses, places of public worship, burying grounds, schools, benevolent institutions,  
squares and for other like public purposes, and at any time before the issue of letters  
patent therefor, may alter or revoke such appropriation as he deems expedient, and  
he may make free grants for the purposes aforesaid of the lands so appropriated, the  
trusts and uses to which they are to be subject being expressed in the letters patent.

# HOMESTEAD RIGHTS ON FREE GRANT LANDS.

Steps to be taken for the purpose of securing a homestead right in respect of land, and provisions respecting the same.

Proviso as to extent.

More than one settler.

If both have improved.

Interfering claims.

Time for application.

Occupants of contiguous lands.

Affidavit to be made.

Entry.

**32.** Any person who is the head of a family, or has attained the age of twenty-one years, shall be entitled to be entered for one quarter section or a less quantity of unappropriated Dominion lands for the purpose of securing a homestead right in respect thereof. (Form A.)

1 Provided that the limitation of quantity in this clause, shall not prevent the granting of a wood lot to the same person, under the provisions hereinafter made with respect to timber in surveyed Townships.

2 When two or more persons have settled on and seek to obtain a title to the same land, the homestead right shall be in him who made the first settlement.

3. Provided, that in cases where both parties may have made valuable improvements, the Secretary of State may order a division of such land, in legal subdivisions, in such manner as may preserve to the said parties, as far as practicable, their several improvements, and further may direct that what the land of each of such parties, as so divided, may be deficient of a quarter section, shall be severally made up to them in legal subdivisions from unoccupied quarter sections adjoining.

4. Questions as to the homestead right arising between different settlers shall be investigated by the Local Agent of the division in which the land is situated, whose report and recommendation, together with the evidence taken, shall be referred to the Secretary of State for decision.

5. Every person claiming a homestead right from actual settlement must file 20 his application for such claim, describing the land settled, with the Local Agent within whose district such land may be, within thirty days next after the date of such settlement, if in surveyed lands, but if in unsurveyed lands the claimant must file such application within three months after such land shall have been surveyed, and in either case proof of settlement and improvement shall be made to the Local Agent at the time of filing such application.

6 Persons owning and occupying Dominion lands may be entered for other land lying contiguous to their lands but the whole extent of land, including that previously owned and occupied, must not exceed one hundred and sixty acres, and must be in legal sub-division. 30

7 A person applying for leave to be entered for lands with a view of securing a homestead right therein shall make affidavit before the Local Agent (Form B) that he is over twenty-one years of age, that he has not previously obtained a homestead under the provisions of this Act, that to the best of his knowledge and belief there is no person residing on the land in question, or entitled to enter the same as a homestead and that the application is made for his exclusive use and benefit, and for the purpose of actual settlement.

8. Upon making this affidavit, and filing it with the Local Agent, and on payment to him of an office fee of ten dollars for which he shall receive a receipt from the Agent, he shall be permitted to enter the land specified in the application. 40

|  |   |
|--|---|
| Entry of contiguous lands.                         | 9. In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required but <i>bona fide</i> improvement and cultivation of it must be thereafter shewn for the period required by the provisions of this Act.  |
| No patent for three years.                         | 10. No patent shall be granted for the land until the expiration of three years from the time of entering into possession of it except as hereinafter provided  |
| Name of patent.                                    | 11. At the expiration of three years the settler or his widow, her heirs or devisees, or, if the settler leaves no widow, his heirs or devisees, upon proof, to the satisfaction of the Local Agent that he or his widow or his or her representatives as aforesaid, or some of them, have resided upon or cultivated the land for the three years next after 10 the filing of the affidavit for entry, the settler or such claimant shall be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization.  |
| When parents die without devising.                 | 12. When both parents die, without having devised the land, and leaving a child or children under age it shall be lawful for the executors (if any) of the last surviving parent or the guardian or guardians of such child or children, with the approval of a Judge of a Superior Court of the Province or Territory, in which the lands lie, to sell the lands for the benefit of the infant or infants, but for no other purpose, and the purchaser, in such case, shall acquire the homestead right by such purchase, and on carrying out the unperformed conditions of such right, shall receive a patent for the 20 land, upon payment of the office fees. |
| Title before patent.                               | 13. The title to lands shall remain in the Crown until the issue of the patent therefor, and such lands shall not be liable to be taken in execution before the issue of the patent.  |
| Settler abandoning his claim.                      | 14. In case it is proved to the satisfaction of the Local Agent that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him, for more than six months in any one year then the right to such land shall be forfeited and the settler so relinquishing or abandoning his claim shall not be permitted to make more than a second entry  |
| Patent before three years on payment of price, &c. | 15. Any person who has availed himself of the foregoing provisions may, before 30 the expiration of the three years, obtain a patent for the land entered upon by him, including the wood lot, if any, forming an addition to the grant thereof, as hereinafter provided, on paying the Government price thereof at the date of entry and making proof of settlement and cultivation for not less than twelve months from the date of entry.  |
| Proof of improvement.                              | 16. Proof of actual settlement and cultivation shall be made by affidavit of the claimant before the Local Agent, corroborated on oath by two credible witnesses.   |
| Assignments void.                                  | 17. All assignments and transfers of homestead rights before the issue of the patent shall be null and void, but shall be deemed evidence of abandonment of the right; and the person so assigning or transferring shall not be permitted to make a second entry.   |

Provision to  
apply only  
to home-  
steads.

18. The above provisions relating to homesteads shall only apply to agricultural lands, and shall not be held to apply to lands set apart as timber lands, or to those lands on which coal or minerals are at the time of entry known to exist.

#### GRAZING LANDS.

Unoccupied  
Dominion  
lands may be  
leased to  
neighboring  
settlers for  
grazing  
purposes.  
Conditions.

34. Leases of unoccupied Dominion lands may be granted for grazing purposes to any person or persons whomsoever being *bona fide* settlers in the vicinity of the land sought to be leased, at such rent and for such term as the Secretary of State shall deem expedient, but every such lease of grazing land shall, among other things, contain a condition making such land liable for settlement or for sale as hereinafter provided by this Act, at any time during the term of such lease, without compensa-10  
tion, save by a proportionate deduction of rent, and a further condition by which the Secretary of State may, on giving the lessee six months notice, cancel the lease at any time during the term.

#### HAY LANDS.

Unoccupied  
Dominion  
lands may be  
leased to  
neighboring  
settlers for  
the purpose of  
cutting hay  
thereon, but  
not to the  
hindrance of  
the sale or  
settlement  
thereof.

35. Leases of unoccupied Dominion lands, not exceeding a half quarter section, or eighty acres, to any one person, may be granted for the purpose of cutting hay thereon, to any person or persons whomsoever being *bona fide* settlers in the vicinity of such hay land, for such term and at such rent as the Secretary of State may deem expedient; but such lease shall not operate to prevent at any time during the term thereof the sale or settlement of the lands described therein under the provisions of 20  
this Act, the lessee being paid in such case by the purchaser or settler, for fencing or other improvements made on such land, such sum as shall be fixed by the Local Agent, and allowed to remove any hay he may have made.

#### MINING LANDS.

Mines or  
minerals not  
to be reserved  
in patents of  
lands.

36. No reservation of gold, silver, iron, copper, or other mines or minerals shall be inserted in any patent from the Crown granting any portion of the Dominion lands.

Any person  
may explore  
and purchase  
mining lands.

37. Any person or persons may explore for mines or minerals on any of the Dominion lands, surveyed or unsurveyed, and not then marked or staked out and claimed or occupied, and may, subject to the provisions hereinafter contained, pur-30  
chase the same.

Mining lands  
in surveyed  
townships to  
be sold in  
legal subdivi-  
sions.  
Those in  
unsurveyed  
territory,  
without the  
limits of the  
Fertile Belt,  
to be sold in

38. Mining lands, if in surveyed townships, may be acquired under the provisions herein contained, and shall be sold in legal subdivisions. When situated in unsurveyed territory and without the limits of the Fertile Belt, such lands shall be sold in blocks to be called mining locations; and every such mining location, except as hereinafter provided, shall be bounded by lines due north and south and due east and west, astronomically, and each such location shall correspond with one of the following dimensions, namely, eighty chains in length by forty in width, containing

blocks to be three hundred and twenty acres,—or forty chains square, containing one hundred called mining and sixty acres,—or forty chains in length by twenty in width, containing eighty locations. Description of such blocks. acres.

Proviso. 1 Provided further that in case of certain lands proving to be rich in minerals, the Secretary of State shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease

Rent 2 The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a half per cent, on the net profits of working

Proviso when no prior right exists 3 Provided further, that when there are two or more applicants for the same tract, and a prior right in either or any of the applicants is not established to the satisfaction of the Secretary of State, the same may be tendered for by the claimants on stated terms of lease, and sold to the highest bidder

Further provision. 4 Provided also that in territory supposed to contain minerals the Secretary of State may in his discretion reserve from sale, alternate locations, or quarter sections, or other legal subdivisions with the view of subsequently offering the same either for sale or lease at public competition.

Mining locations to be surveyed by Deputy Surveyors 39. Mining locations in unsurveyed territory shall be surveyed by a Deputy Surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion Lands Office) at the cost of the applicants, 20 who shall be required to furnish, with their application, the Surveyor's plan, field notes and description thereof.

Lands supposed to contain minerals, to be sold at the same price as farming lands 40. No distinction in price shall be made between lands supposed to contain mines or minerals and farming lands, but both classes shall be sold at the uniform price of one dollar per acre, provided that clause twenty-nine of this Act as regards offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships.

Secretary of State may exempt certain lands from the preceding provisions. Duty of Governor in Council with respect to lands so exempted. 41. It shall also be lawful for the Secretary of State to exempt from the preceding provisions of this Act, such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "Bar," 30 "Bench" or "Dry" "Diggings" for gold or other precious metals, and the Governor in Council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the royalty payable in respect thereof, and shall appoint and prescribe the duties of such officers as may be necessary to carry out such regulations.

#### INDIAN TITLE.

As to lands still under Indian title. 42. None of the provisions of this Act respecting the settlement of Agricultural lands, or the lease of Timber lands, or the purchase and sale of Mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been 40 extinguished.

## COAL LANDS.

Coal lands may not be taken for homesteads.

43. Coal lands designated by the Government as such are hereby withdrawn from the operation of this Act as regards the rights of squatters to homesteads on the Dominion lands in advance of the Surveys.

Steps to be taken by persons desiring to carry on coal mining in unsurveyed territory

44. Any person or persons desiring to carry on coal mining in unsurveyed territory, shall be protected in the possession of the lands on which such mining may be carried on, provided, that before entering on the working of such mines, such person or persons make written application to the Local Agent to purchase such land such application must be accompanied by a description by a Deputy Surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall not exceed six hundred and forty) at the rate of one dollar per acre. Such application shall be filed by the Agent receiving the same—and on the survey of the Township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for.

Provision for operation working.

Provided that such mine shall have been continuously worked during the interim between the application and the survey; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase money which may have been paid to the Government on account thereof.

Coal lands may be exempted from sale and settlement. Provisions of Act

45. The Secretary of State, with the view of preventing undue monopoly in coal lands, may in his discretion, on a township being surveyed, exempt from the sale and settlement provisions of this Act the sections or other legal subdivisions of land which may be said to contain coal, except those on which mining may have been carried on under the next preceding clause, and the same shall be subsequently sold or otherwise dealt with in such manner as may be deemed expedient by the Governor in Council.

## TIMBER AND TIMBER LANDS

### TIMBER IN TOWNSHIPS SURVEYED FOR SETTLEMENT

Timber forming islands or belts in townships thrown open for settlement, to be disposed of so as to benefit the greatest

46. And whereas it is expedient that the timber forming Islands or Belts in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers and to prevent petty monopoly, it is therefore enacted as follows -

1. In the subdivision of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing

possible  
number of  
settlers and  
prevent petty  
monopoly,  
and how

Islands, Belts, or other tracts of timber, shall be subdivided into such number of wood lots of not less than ten, and not more than twenty acres in each lot, as will afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter section prairie farm in such township.

2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by this Act nor those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-clause.

3. The division of such wood lots shall be by squared posts, numbered from one upwards, marked with a marking iron, and planted in the section lines bounding the timber tract so laid out, and each wood lot shall front on a section road allowance.

4. Provided, that in case an Island or Belt of timber be found in the survey of any township to lie in a quarter section or several quarter sections, but in such manner that no single quarter section shall have more of such timber than twenty-five acres, such timber shall be taken to be appurtenant to such quarter section or quarter sections, and shall not be further divided into wood lots.

5. The Local Agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall apportion to each quarter section so applied for, one of the adjacent wood lots, and such wood lot shall appertain to and form an addition to such grant, and shall be entered on the Local Agent's books and be returned by him as in connection therewith, and the wood lot set apart with any homestead quarter section shall be a free gift in connection with such homestead, and in addition thereto, and on such homestead claimant fulfilling all the requirements of this Act in that behalf, the patent for such quarter section shall also include such wood lot.

6. Provided, that any homestead claimant, who, previous to the issue of the patent shall sell any of the timber on his claim or on the wood lot appertaining to his claim, to saw mill proprietors or to any other than settlers for their own private use, shall be guilty of a trespass, and may be prosecuted therefor before a Justice of the Peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both, and further, such person shall forfeit his claim absolutely.

#### OTHER TIMBER AND TIMBER LIMITS.

Reservation  
of timber  
lands

47. Any tract of land covered by forest timber may be set apart as timber lands, and reserved from sale and settlement.

Each town-  
ship to form a  
timber limit

48. Except where it may be thought expedient by the Secretary of State to divide a township into two or more timber limits, the several townships composing any such tract shall each form a limit.

What  
"timber" in-  
cludes under  
this heading.

49. In the enactments and provisions under the present heading, *Timber and Timber Lands*, the word "timber" includes all lumber, and all products of timber hereinafter mentioned, or of any other kind whatever, including firewood or bark.

Right of  
cutting  
timber  
to be sold to  
highest  
bidder.

**50.** The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by competition, either by tender or at public auction.

Purchaser to  
have a lease  
for 21 years.

**51.** The purchaser shall receive a lease granting the right of cutting timber on the land for twenty-one years, and containing the following conditions, with such others as shall have been embodied in the notice of sale, that is to say —

Conditions of  
lease.  
Mills.

1. The lessee to erect a saw mill or mills in connection with such limit and lease, and subject to any special conditions which may be agreed upon and stated in the lease, such mill or mills to be of capacity to cut at the rate of a thousand feet, board measure, in twenty-four hours, for every two and a half square miles of limits in the lease, or shall establish such other manufactory of wood goods as may be agreed upon as the equivalent of such mill or mills, and the lessee to work the limit, in the manner and to the extent provided in the lease, within two years from the date thereof, and during each succeeding year of the term.

To take all  
timber.

2. To take from every tree he cuts down all the timber fit for use, and manufacture the same into sawn lumber or some other such saleable product as may be provided in the lease or by any Regulations made under this Act.

To prevent  
destruction

3. To prevent all unnecessary destruction of growing timber on the part of his men, and to exercise strict and constant supervision to prevent the origin or spread of fires.

20

Monthly  
returns

4. To make returns to the Government monthly, or at such other periods as may be required by the Secretary of State, or by Regulations under this Act, sworn to by him or by his agent or employee cognizant of the facts, declaring the quantities sold or disposed of as aforesaid, of all sawn lumber, timber, railway car stuff, ship timbers and knees, shingles, laths, cordwood or bark, or any other product of timber from the limit, in whatever form the same may be, sold or otherwise disposed of by him during such month or other period, and the price or value thereof.

Rent.

5. To pay, in addition to the bonus, an annual ground rent of two dollars per square mile, and further a royalty of five per cent on his monthly account.

Books.

6. To keep correct books of such kind and in such form, as may be provided by his lease or by Regulation under this Act, and to submit the same for the inspection of the collector of dues whenever required, for the purpose of verifying his returns aforesaid.

Rights of  
lessee.

7. The lease shall describe the lands upon which the timber may be cut, and shall vest in the lessee during its continuance, the right to take and keep exclusive possession of the lands so described, subject to the conditions hereinbefore provided or referred to, and such lease shall vest in the holder thereof, all right of property whatsoever in all trees, timber, lumber and other products of timber, cut within the limits of the lease during the continuance thereof, whether such trees, timber and lumber or products be cut by authority of the holder of such lease or by any other person, with or without his consent, and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same

is found in the possession of any unauthorized person, and also to bring any action or suit at law or in equity against any party unlawfully in possession of any such timber, or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired.

Forfeiture  
of lease.

8. Such lease shall be subject to forfeiture, for infraction of any one of the conditions to which it is subject, or for any fraudulent return, and in such case the Secretary of State shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled. Provided, that the Secretary of State, if he sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner hereinafter provided.

Renewal of  
lease.

9. The Lessee who faithfully carries out the above conditions, shall have the refusal of the same limits, if not required for settlement, for a further term not exceeding twenty-one years, on payment of the same amount of bonus per square mile as was paid originally, and on such lessee agreeing to such conditions, and to pay such other rates, as may be determined on for such second term.

Lease of land  
previously  
leased and  
granted or set  
apart to be  
void.

52. If, in consequence of any incorrectness in survey, or other error or cause whatsoever a lease is found to comprise lands included in one of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this Act, the lease first mentioned shall be void in so far as it interferes with any such previous lease, sale, grant or setting apart.

#### FURTHER OBLIGATIONS OF PARTIES OBTAINING LICENSES.

Dues to the  
Crown to bear  
interest and  
be a lien on  
timber cut on  
limits. Such  
timber may  
be seized and  
sold in  
payment.

53. Any ground rent, royalty or other dues to the Crown, on timber cut within any such limit, which are not paid at the time when they become due and payable, shall bear interest at the rate of six per cent per annum, until paid, and shall be a lien on any timber cut within such limits. And whenever the ground rent on any 30 limit, or any royalty on any timber is not paid within three months after it becomes due under the lease or regulations in that behalf, the Crown Timber Agent may with the sanction of the Secretary of State, seize so much of the timber cut on such limits, and in the possession of the lessee or on his premises, whether sold or unsold, as will in his opinion be sufficient to secure the payment of such rent and royalty on the timber seized, and all interest and expenses of seizure and sale and may detain the same as security for the payment thereof and if such payment be not made within three months after such seizure, the Crown Timber Agent may, with such sanction as aforesaid, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, 40 if any, to the lessee or owner of the timber.

Timber cut under lease to be liable for dues, &c.

**54.** All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the said timber or any part of it may be found (whether it be or be not manufactured into deals, boards or any other products); and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever they are found until the dues thereon are paid or secured, and if payment be not made or secured within three months after such seizure, the timber may be sold by the Crown Agent, and the proceeds disposed of as provided by the next preceding clause.

Mode of enforcing payment in case of removal of timber out of Canada.

**55.** And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada 10 or otherwise, the amount of dues so evaded, and any expenses incurred by such officer or the Government in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on Dominion lands by the same lessee or by his authority, and be levied and collected, or secured, on such timber, together with such last mentioned dues, in the manner provided by clause fifty three, or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law, in the name of the Secretary of State, or his resident Agent, in any Court having jurisdiction in civil cases to the amount.

Bonds or notes may be taken for dues, &c. but without prejudice to lien on timber

**56.** The Secretary of State may, in his discretion, take or authorize the 20 taking of bonds or promissory notes for any money due to the Crown, interest and costs, as aforesaid, or for double the amount of all dues, fines and penalties and costs, incurred or to be incurred, and may then release any timber upon which the same would be leviable, whether under seizure or not, but the taking of such bonds or notes shall not affect the lien and right of the Crown to enforce payment of such money on any other timber cut on the same land, if the sums for which such bonds or notes are given are not paid when due.

#### LIABILITY OF PERSONS CUTTING WITHOUT AUTHORITY.

Penalty for cutting timber on Dominion lands without authority

**57.** If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber of any kind, on any Dominion lands 30 wheresoever situate, or removes or carries away, or employs or induces, or assists any other person to remove or carry away any timber of any kind, so cut from any Dominion lands as aforesaid, he shall not acquire any right to the timber so cut, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market, and when the timber has been removed out of the reach of the Crown Timber Officers, or it is otherwise found impossible to seize the same, he shall, in addition to the loss of his labour and disbursements, forfeit a sum not exceeding three dollars for each tree, which, or any part of which he is proved to have cut, or carried away and such sum shall be recoverable

with costs, at the suit and in the name of the Crown, in any Court having jurisdiction in civil matters to the amount of the penalty;—and in all such cases the burden of proof of his authority to cut and take the timber shall be on the party charged, and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

Seizure on  
affidavit, &c.

1 Whenever satisfactory information, supported by affidavit made before a Justice of the Peace, or before any other competent officer or person, is received by any Crown Timber Officer or Agent, that any timber has been cut without authority on Dominion lands, and describing where the same can be found, or if any Crown Timber Officer or Agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on such lands, the said agent, or officer, or either of them, may seize or cause to be seized in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority

If the timber  
has been  
mixed with  
other timber

2. And where the timber so reported or known to have been cut without authority, has been made up with other timber into a crib, dram, or raft, or in any other manner has been so mixed up at any mill or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority, from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

May be  
released on  
security

3. In case any timber cut without authority on Dominion lands, or any product thereof, is seized under the provisions of this Act, by any Crown Timber Agent or Officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise, to his satisfaction for the full value thereof, or for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon as the case may be.

#### RESISTING SEIZURE—REMOVING TIMBER SEIZED—CONDEMNATION OF SUCH TIMBER

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Officer seizing  
timber may  
call in  
assistance.

58. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized, and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this Act, such person shall be guilty of felony, and being convicted thereof, shall be punishable accordingly

Resistor or  
obstructor  
a felony

Carrying  
away timber  
seized with-  
out permis-  
sion, a  
felony

59. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or 40

causes to be taken and carried away, without permission of the officer or person who seized the same, or of some competent authority, any timber seized and detained for any lawful cause under this Act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, being the property of the Crown, and to be guilty of felony, and being convicted thereof, shall be punishable accordingly.

Timber seized as forfeited shall be deemed to be condemned in default of owner claiming it within one month.

60. All timber seized under this Act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown Timber Agent or Officer, under whose authority the seizure was made, that he claims or intends to claim the same, pending which the Officer or Agent seizing shall report the facts to the Secretary of State, who may order the sale of the said timber, by the said Officer or Agent, after a notice on the spot, or at the residence or office of the person from whom it was seized, of at least thirty days: or if, within fifteen days after the claim has been put in, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the court be against him, or should the claimant fail duly to prosecute such proceedings in the opinion of the Judge before whom such case may be tried, (and who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted, anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Secretary of State, after a notice on the spot at least thirty days. Provided nevertheless, that in all cases of timber being ascertained to have been cut without authority on any of the Dominion lands, or admitted to have been so cut by the holder thereof, the Secretary of State, should he see cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition to all costs incurred, instead of seizing or selling the same.

Provided.

#### GENERAL PROVISIONS.

In the absence of satisfactory explanation timber may be seized as cut without authority, or for does.

61. Whenever any Crown Timber Agent, or other Officer or Agent of the Secretary of State is in doubt as to whether any timber has, or has not, been cut without authority, or is, or is not, liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber as to when and where the same was cut, and if no satisfactory explanation, on oath or otherwise, as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Secretary of State or of such Crown Timber Agent or Officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind. and if such proof be not made, within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case, and the dues thereon may be recovered as provided in the fifty-fifth clause.

The burden of proof where timber was cut, or of payment of dues to lie on the owner or claimant.

**62.** And whenever any timber is seized for non-payment of Crown dues or for any cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same or the party bringing such prosecution.

#### SLIDES, ETC.

Right to slides, &c., not to be affected by sales or grants of land, unless expressly mentioned.

**63.** No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier, or boom, or other work, for the purpose of facilitating the descent of timber or saw-logs, previously constructed on such land, or on any stream passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted.

Free use of slides not affected.

1. The free use of slides, dams, piers, booms or other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed, by, or in virtue of, any sale or grant of Dominion lands made subsequent to the construction of such works.

Free use of streams and lakes not affected

**64.** The free use, for the floating of saw-logs and other timber rafts and dams, of all streams and lakes that may be necessary for the descent of timber from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side thereof, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads, other than road allowances, as owing to natural obstacles may be necessary for the taking out timber or saw-logs from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected or obstructed by, or in virtue of, any sale or grant of such lands.

#### PATENTS.

Patent may be signed by a Deputy Governor.

**65.** A Deputy Governor may be appointed by the Governor General, who shall have the power in the absence or under instructions of the Governor General, to sign letters patent of Dominion lands, and the signature of such Deputy Governor to such patents, shall have the same force and virtue as if such patents were signed by the Governor General.

Patent issued in error may be cancelled.

**66.** Whenever a patent has been issued to or in the name of a wrong party or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the con-

ditions of the grant, the Secretary of State may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead, which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent

Remedy in cases of sales or patents of land issued without with each other.

**67.** In all cases in which grants or letters patent have issued for the same land, inconsistent with each other, through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Secretary of State may order a new grant equivalent in value to the land of which any grantee or purchaser is thereby deprived, at the time the same was granted, or may, in cases of sale, cause repayment to be made of the purchase money with interest, or when the land has passed 10 from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Secretary of State may assign land or grant a certificate entitling the party to purchase Dominion lands of such value as to him, the said Secretary of State, may seem just and equitable under the circumstances, but no claim under this clause shall be entertained unless it is preferred within five years after discovery of the error.

Province.

Remedy in cases of deficiency in quantity of land sold or granted.

**68.** Whenever by reason of false survey, or error in the books or plans in the Dominion Lands Office, any grant, sale or appropriation of land is found to be deficient, the Secretary of State may order a free grant equal in value to the ascer- 20 tained deficiency at the time such land was granted or sold; or in case any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Secretary of State may order the purchase money of so much land as is deficient, with interest thereon from the time of the application therefor, to be paid back to the purchaser, or if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of the deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon, from the time of the application therefor, to be paid to him in land or in money, as he, the said Secretary of State, may direct. or, in case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant, at the time such grant was made, but no such claim shall be entertained unless application has 30 been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

Province.

Patents issued through fraud or in error or improvidence may be decreed to be void.

**69.** In all cases wherein patents for lands have issued through fraud, or in error, or improvidence, any Court having competent jurisdiction in cases respecting real property in the Province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Court shall order, decree such patent to be void, and upon the Registry of such decree in the Office of the Registrar General of the Dominion, such patent shall be void 40 to all intents.

Remedy is  
issue of  
writ of  
possession of  
forfeited land  
or to vacate  
land wrong-  
fully held.

**70.** When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same, the Secretary of State may apply to a Judge of any Court having competent jurisdiction in cases respecting real property in the Province or place in which the land lies, for an order in the form of a writ of ejectment or of *habere facias possessionem*, and the said Judge, upon proof to his satisfaction that such land was so forfeited, and should properly revert to the Crown, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Secretary of State or person by him authorized to receive such possession, and such order shall have the same force as a writ of *habere facias possessionem*, and the Sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or petitory action.

Assignments  
of Dominion  
lands to be  
registered.

**71.** The Secretary of State shall keep a book for registering, at the option of the parties interested, any assignment of rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignment is in conformity with this Act, and every assignment so registered shall be valid against any other previously made but subsequently registered, or unregistered, but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed, or dispensed with by the Secretary of State, before the assignment is registered.

Patent may  
be issued  
in favor  
of representa-  
tive of party  
dying entitled  
therein.

**72.** On any application for a patent by the heir, assignee, devisee or legal representative of a party dying entitled to such patent, the Secretary of State may receive proof of the facts in such manner as he may see fit to require, and upon being satisfied that the claim has been justly established may allow the same and cause a patent to be issued accordingly; but nothing in this clause shall limit the right of the party claiming a patent to make his application as provided for in clause twenty-five of this Act.

## SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY THE DOMINION LANDS.

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Qualifications  
required of  
Deputy  
Surveyors of  
Dominion  
lands.

**73.** No person shall act as a surveyor of Dominion lands unless he shall, previously to the passing of this Act, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth, that is to say—

Exceptions.

1 Except such persons as at the time of the passing of this Act hold certificates, diplomas or commissions to practice as surveyors, as heretofore set forth, no person shall be competent to act professionally as a surveyor of Dominion lands in Manitoba, or the North-West Territories, unless he shall undergo an examination before the

Board of Examiners hereinafter mentioned, or be exempt from undergoing such examination under the provisions hereinafter contained, and receive a commission certifying that he is qualified to act as such.

**Name.** 2. Persons so qualified shall be styled "Deputy Surveyors of Dominion lands."

#### BOARD OF EXAMINERS.

**Surveyor General with eight colleagues appointed by the Governor to form Board**

**74.** There shall be a Board of Examiners for the examination of candidates for such commission as Deputy Surveyors, to consist of the Surveyor General and eight other competent persons to be appointed from time to time by Order in Council and the times and places of the meetings of the Board shall from time to time be fixed and made public by notice in the *Canada Gazette*.

10

**Members of Board to be sworn.**

1 Each member of the said Board shall take an oath of office according to form C, to be administered by a judge of any one of the Superior Courts in any Province of the Dominion, who is hereby authorized and required to administer such oath, and any three of the said members shall form a quorum.

**Secretary of Board of Examiners.**

2. The said Board shall from time to time appoint a fit and proper person to be Secretary thereof, who shall keep a record of its proceedings.

#### ADMISSION OF DEPUTY SURVEYORS.

**Qualifications for commission as Deputy Surveyor**

**75.** No person shall receive a commission from the said Board authorizing him to practice as a Deputy Surveyor of Dominion lands, until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said Board in the following subjects, that is to say: Euclid (first six books), Plane Trigonometry, Mensuration of Superficies, the keeping of Field Notes, Plotting and Map Drawing, Spherical Trigonometry, Astronomy and Geology, practical surveying operations, and the use of instruments, nor unless he shall be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published from time to time for the guidance of Deputy Surveyors employed in surveys of Dominion lands.

**Conditions precedent to examination for Commission.**

**76.** No person shall be entitled to be examined before such Board (except as hereinafter provided) unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the 30 form D, duly executed before two witnesses, as pupil to a Land Surveyor lawfully practising during the said period as a Deputy Surveyor of Dominion lands, nor unless he shall produce a certificate from such practising Deputy Surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety.

**Future Provincial Land Surveyors to be entitled to examination**

**77.** It shall not be necessary for any person who may, after the passing of this Act, become duly qualified by diploma, certificate or commission to survey the Crown Lands in some one of the Provinces of the Dominion, to serve under articles

for Commission as Deputy Surveyors without having served under articles to a Deputy Surveyor

as aforesaid to entitle such person to examination by the said Board for a commission as a Deputy Surveyor of Dominion lands, but such person shall be entitled to such examination without any further service, at any regular meeting of the Board, and if found competent shall receive such commission. Provided, nevertheless, that in case such person should not on the first examination be found qualified, the Board may grant him a second examination after he shall have passed through such further course of theory or practice as may have been recommended by the Board, Provided further that any person who may have acquired a certificate, diploma or commission in any one of the Provinces of the Dominion where the course and examination prescribed are similar to those in clause seventy-five of this Act shall not be required 10 to be re-examined by the Board, but shall, upon proof of the facts, and payment of the admission fee fixed by sub-clause four of clause eighty-four of this Act, receive from the Board a Commission as a Deputy Surveyor of Dominion lands.

Duplicate of articles of clerkship to be transmitted to Secretary within three months after their date.

**78.** No person claiming to be examined before the said Board as having served the necessary period fixed by this Act under articles to a Deputy Surveyor shall have the right to such examination, unless he shall have transmitted to the Secretary of the Board within three months of the date of such articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same, and the said Secretary shall acknowledge by post the receipt of such papers and shall carefully file and keep the same with the records of the Board.

20

Pupil of a Deputy Surveyor may complete his term with another.

**79.** If any Deputy Surveyor dies or leaves the Dominion or is suspended or dismissed, his pupil may complete his term under articles as aforesaid with any other Deputy Surveyor.

Assignment of Articles of Clerkship

**80.** Any Deputy Surveyor may by an instrument in writing transfer a pupil with his own consent, to any other Deputy Surveyor, with whom such pupil may serve the remainder of his term

Surveyors in B. M. Dominions, other than Canada, established in examination after six months practice.

**81.** Any person who may have been duly admitted as a surveyor of lands in any part of Her Majesty's Dominions other than Canada, shall be entitled to an examination by the said Board, and to a commission if found qualified, on his producing a written certificate of a Deputy Surveyor that such person has within the previous two years served for six months with him continuously engaged in surveying the Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Deputy Surveyor.

Graduates of Colleges and Universities to be entitled to examination after one year's service.

**82.** Any person who shall have followed a regular course of study in all the branches of education required by this Act for admission as a Deputy Surveyor through the regular sessions for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college or university a certificate, diploma, or degree, vouching therefor, shall not be obliged to serve three years as aforesaid but shall be entitled 40 to examination after one year's service under articles with a Deputy Surveyor as aforesaid.

Candidates  
for commis-  
sion to give  
notice to  
Secretary.

**83.** Every person desiring to be examined before the said Board for a commission as a Deputy Surveyor shall give due notice thereof in writing to the Secretary at least two months previous to the meeting of the Board, enclosing with such notice the fee of two dollars

Table of fees  
payable  
under this  
Act.

**84.** The following fees shall be paid under the provisions of this Act

1. To The Secretary of the Board of Examiners by each pupil, at the time of transmitting to such Secretary the Indenture or Articles of such pupil, two dollars.

2. To the Secretary of the Board by each candidate for examination, with his notice thereof, two dollars.

3. To the Secretary of the Board by each applicant obtaining a commission, 10 as his fee thereon, two dollars

4. To the Secretary of the Board as an admission fee by each applicant receiving a commission, twenty dollars, but such amount shall be paid over to the Surveyor General, and be accounted for in like manner as other public moneys received by him.

Allowance to  
Members of  
Board of  
Examiners

**85.** Each of the members in attendance at the said Board during examinations and the Secretary shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance, and the Secretary of State is hereby authorized and required to pay such sums. Provided, that no member of the Board, if at the time of the meeting, 20 he be over one hundred miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously specially notified to attend the same by the Secretary.

Proviso.

Board may  
examine can-  
didates on  
oath.

**86.** The Board may examine any candidate on oath (which oath may be administered by any one of the Examiners) as to his actual practice in the field, and with regard to his instruments.

Successful  
candidates to  
receive com-  
missions and  
give security  
and take oath  
of office

**87.** Each person passing the Examination prescribed by this Act shall receive a commission from the Board in accordance with form E in the schedule to this Act, and each applicant after receiving such commission shall, jointly and severally with two sufficient sureties to the satisfaction of the Board, enter into a bond in the sum 30 of one thousand dollars, to Her Majesty, Her Heirs and Successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance and the following oath, before the Board of Examiners, any one of whom is hereby empowered to administer the same—

"I, \_\_\_\_\_, do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a Deputy Surveyor of Dominion Lands according to law, without favour, affection or partiality. So help me God."

1. Until the above formalities shall have been gone through the said commission of Deputy Surveyor shall have no effect.

2. The said oaths of allegiance and of office shall be deposited in the Dominion 40 Lands Office.

3. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof; and the commission shall be registered in the office of the Registrar General of the Dominion.

Board may suspend or dismiss negligent or corrupt Deputy Surveyor.

55. The said Board may, in their discretion, suspend or dismiss from the practice of his profession any Deputy Surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office; but the Board shall not suspend or dismiss such Deputy Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having<sup>10</sup> heard the evidence offered either in support of the complaint, or on behalf of the Deputy Surveyor inculpated.

#### STANDARD OF MEASURE.

Standard of the English measure of length and copies thereof to be procured by Deputy Surveyors.

59. The measure of length used in the surveys of Dominion lands, shall be the English measure of length, and every Deputy Surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard tested and stamped as correct by the Department of Inland Revenue, shall be furnished him by the said Department, on payment of a fee of three dollars therefor, and all Deputy Surveyors shall from time to time regulate and verify by such standard the length of their chains and other instruments for measuring.

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#### HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

Cases where the original mound, post or monument cannot be found, provided for

60. In all cases when any Deputy Surveyor is employed to run any dividing line or limit between sections, or other legal subdivisions, or wood lots, and the mound, post or monument, erected, marked or planted in the original survey to define the corner of such section, or other legal subdivisions, or wood lot, cannot be found, he shall obtain the best evidence that the nature of the case may admit of respecting such corner mound, post or monument; but if the same cannot be satisfactorily ascertained, then he shall measure the true distance between the nearest undisputed corner mounds, posts or monuments and divide such distance into such number of sections or other legal subdivisions, or wood lots (as the case may be), as the same<sup>30</sup> contained in the original survey, giving to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field notes thereof of record in the Dominion Lands Office, and if any portion of the township or section line (as the case may be) on which such corner mound, post or monument was or should have been planted in the original survey, should be obliterated and lost, then the Deputy Surveyor shall renew such township or section line (as the case may be) and shall draw and define the same on the ground, in such manner as to leave each and every of the adjoining sections or other legal subdivisions (as the case may be) of a width and depth proportionate to that severally returned for such section

or legal subdivision in the original survey, and shall erect, plant or place such intermediate mounds, posts or monuments as he may be required to erect, plant or place, in the line so ascertained, having due respect to any allowance for a road or roads, and the corner, or division, or limit so found shall be the true corner, or division, or limit of such section or other legal subdivision or wood lot.

#### HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED AND LAID OUT

Method of proceeding to be adopted by Deputy Surveyor employed to lay out a given half-section or quarter-section.

**91.** In all cases when a Deputy Surveyor is employed to lay out a given half section or quarter section, he shall effect the same by connecting the opposite original quarter section corners (should the same be existing, or if the same be not existing by connecting the several points in lieu thereof found in accordance with the preceding clause) by straight lines and in laying out other and minor legal subdivisions in any quarter section, or any wood lot he shall give such legal subdivision or wood lot, as the case may be, its proportionate share of the frontage and interior breadth of such quarter section, and connect the points so found, by a straight line and the lines or limits so drawn as above on the ground, shall, in the respective cases be the true lines or limits of such half-section or quarter section or other legal subdivision or wood lot, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.

#### TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

Dividing lines to be drawn from original corners.

**92.** The dividing lines or limits between legal subdivisions or wood lots in fractional sections shall be drawn from the original corners (or the points representing such corners, as defined on the ground in accordance with the provisions of this Act), in the section line intended as the front of such subdivision or wood lot, at right angles to such section line.

#### ORIGINAL BOUNDARY LINES.

Boundaries placed under the authority of the Act, or of any Order in Council to be deemed the true ones.

**93.** All boundary lines of townships, sections or legal subdivisions, towns, or villages and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, and all mounds, posts or monuments run and marked, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, under the authority of this Act or of any order of the Governor in Council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same upon admeasurement be, or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land.

Townships,  
do to  
comprise all  
the space in-  
cluded within  
their bound-  
aries.

94. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less, any quantity or measure expressed in the original grant or patent thereof notwithstanding.

As to aliquot  
parts of town-  
ships, &c.

95. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal sub-division, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant or instrument.

Road allow-  
ances in  
towns, &c.,  
to be public  
highways.

96. In every town and village in Manitoba, or the North-West Territories, which may be surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons, and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common, and all Deputy Surveyors, employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such surveys, as are by law required of them when employed to make surveys in townships.

Deputy  
Surveyors  
may  
examine  
witnesses  
on oath.

97. For better ascertaining the original corner or limits of any township, section or other legal subdivision, lot or tract of land, every Deputy Surveyor of Dominion lands acting in that capacity, may administer an oath or oaths to each and every person whom he may examine concerning any corner mound, post, monument or other boundary, or any original land mark, line, unit or angle, of any township section or other legal subdivision, lot or tract of land which such Deputy Surveyor is employed to survey.

#### EVIDENCE BEFORE SURVEYORS.

Come to be  
adopted by  
Deputy Sur-  
veyors to  
ascertain  
boundaries  
where  
doubtful.

98. When any Deputy Surveyor is in doubt as to the true corner, boundary or 30 limit of any township, section, lot or tract of land which he is employed to survey and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before, and be examined by such Deputy Surveyor, or does not willingly produce to him such writing, plan or document, such Deputy Surveyor may apply to any Justice of the Peace for an ordinary *Subpoena* as witness, or a *Subpoena duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace, of the facts on which the application is founded, and such Justice may issue a *Subpoena* 40

*Subpoena*  
may be  
issued

accordingly, commanding such person to appear before the Deputy Surveyor at a time and place to be mentioned in the Subpoena, and (if the case require it) to bring with him any writing, plan or document mentioned or referred to therein

*How  
subpoena may  
be served.*

1. Such Subpoena shall be served on the person named therein by delivering a copy thereof to him or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original.

*Consequences  
of disobeying  
subpoena.*

2. If the person commanded to appear by such Subpoena after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the Surveyor at the place and time appointed in the Subpoena, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give 10 such evidence and information as he may possess touching the boundary or limit in question, a warrant by the Justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such Justice.

*Evidence  
taken by  
Deputy Sur-  
veyors to be  
reduced to  
writing and  
signed, &c.*

**99.** All evidence taken by any Deputy Surveyor as aforesaid shall be reduced to writing and shall be read over to the person giving the same, and be signed by such person, or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as also the Deputy Surveyor, and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Deputy Surveyor, with reference to any survey by him 20 performed, may be filed and kept at the Registry Office of the place in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in Court.

*When Deputy  
surveyors  
may  
pass over  
private land*

**100.** Any Deputy Surveyor when engaged in the performance of his duties as such may pass over, measure along, and ascertain the bearings of any township or section line, or other Government Line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person

#### PROTECTION TO SURVEYORS.

*Penalty for  
molesting a  
Deputy Sur-  
veyor in the  
discharge of  
his duty*

**101.** If any person in any part of the Dominion lands interrupts, molests or 30 hinders any Deputy Surveyor, while in the discharge of his duty as a Deputy Surveyor, such person shall be guilty of a misdemeanor, and being thereof lawfully convicted in any Court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such Court, such imprisonment being for a period not exceeding two months, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such Deputy Surveyor or any other party may have against such offender for damages occasioned by such offence

*Penalty for  
pulling down  
original or  
other and  
marks placed  
by Surveyor*

**102.** If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this Act, or under the authority of any Order in 40

Council, such person shall be deemed guilty of felony; and if any person knowingly and wilfully defaces, alters or removes any other mound or land mark, post or monument placed by any Deputy Surveyor to mark any limit, boundary or angle of any township, section or other legal subdivision, lot or parcel of land in Manitoba, or the North-West Territories, such person shall be deemed guilty of a misdemeanor, and being convicted thereof before any competent Court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such Court, such fine not to exceed one hundred dollars, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: 10  
Provided that nothing in this Act shall extend to prevent Deputy Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

**103.** Every Deputy Surveyor shall keep exact and regular journals and Field Notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required, for which he is hereby allowed the sum of one dollar for each copy if the number of words therein do not exceed four hundred, but if the number of words therein exceed four hundred, he is allowed ten cents additional for every hundred words over and above four hundred words. 20

**104.** There shall be allowed to every Deputy Surveyor summoned to attend any Court, civil or criminal, for the purpose of giving evidence in his professional capacity as a Surveyor, for each day he so attends (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such Court, five dollars.

#### GENERAL PROVISIONS.

**105.** The Governor in Council shall, at any time hereafter, subject to then existing rights, as defined or created under this Act, withdraw from the operation of this Act, such lands as have been reserved for Indians or may be required to satisfy the Half Breeds claims created under section 31 of the Act 33 Victoria, chapter 3, 30 and also land to such extent as may be required for Railway purposes, and further, may, from time to time, make such Orders as he may deem necessary to carry out the provisions of this Act according to their true intent, or to meet any cases which may arise and for which no provision is made by this Act, and may, from time to time, alter or revoke the same and make others in their stead, and such Orders shall be published in the *Canada Gazette*, and in such newspapers as the Secretary of State may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.

**106.** All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act may be taken before the Judge or Clerk of any County

or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits, or any Dominion Lands Agent or Officer, or any person specially authorized to take such affidavits by the Secretary of State.

Affirmations  
in lieu of  
oaths.

**107.** In any case where an affidavit or oath is required by this Act, a solemn affirmation may be administered and made instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

#### PREVIOUS ORDERS IN COUNCIL.

Orders in  
Council of  
25th April,  
1871, and  
26th May,  
1871, con-  
firmed.

**108.** All proceedings properly taken under the respective Orders in Council on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth 10 of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May following the said date, are hereby confirmed, and the said respective orders, (except such of the provisions thereof as may be inconsistent with the provisions of this Act and which are hereby revoked), shall be and remain in force.

### AN ACT TO AMEND THE DOMINION LANDS ACT.

(37 VICT., CHAP. 19)

[Assented to 26th May, 1874].

In amendment of "The Dominion Lands Act," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows —

**1.** Section fourteen of "The Dominion Lands Act," passed in the thirty-fifth 20 year of Her Majesty's reign, chapter twenty-three is hereby amended by inserting after the word "the," where it occurs the first time in the said section, the words "township subdivision."

**2.** The sub-section of the fifteenth section of the said Act, numbered one, is hereby amended by adding at the end thereof after the words "a half-quarter section or eighty acres," the words "a quarter-quarter section or forty acres."

**3.** Section eighteen of the said Act is hereby repealed, and the following is substituted in lieu of, and shall be read as the said eighteenth section

"18. Provided that the Company's one-twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections nos. eight and twenty-six as above, in such fractional townships, the allot- 30 ment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorized by them respectively."

**4.** Section twenty of the said Act is hereby amended by adding the following sub-section at the end thereof

"2. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company, such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, in which event, the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted. Provided, nevertheless, that on such sections being surveyed as aforesaid, should the same or either of them prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township."

\* \* \* \* \*

9. Section forty-four of the said hereinbefore first cited Act is hereby repealed, and the following is substituted for and shall be read as the said section forty-four —

"44. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land, such application must be accompanied by a description by a deputy surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall not exceed six hundred and forty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same—and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for.

"Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections 8 and 26 as hereinbefore enacted. Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained.

"Provided further that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior during the interim between the application and the survey but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase money which may have been paid to the Government on account thereof."

# AN ACT TO AMEND AND CONSOLIDATE THE SEVERAL ACTS RESPECT- ING THE PUBLIC LANDS OF THE DOMINION

(42 VICT. (1879), CHAP. 31)

(Assented to May 15th, 1879)

WHEREAS it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers Acts have been passed for that purpose which it is expedient to amend and consolidate Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows

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1. This Act shall apply exclusively to the Lands included in Manitoba and the several Territories of the Dominion, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act, 1879*," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context, that is to say

1. The term *Minister of the Interior*, means the Minister of the Interior of Canada

2. The term *Surveyor-General* means the said officer, or, in his absence, the chief clerk performing his duties for the time being

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3. The term *Agent or Officer* means any person or officer employed in connection with the administration and management, sale or settlement of Dominion Lands; and the term *Local Agent* means the Agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such Agent

4. The term *Dominion Land Surveyor* means a Surveyor duly authorized under the provisions of this Act to survey Dominion lands

5. The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands:

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6. The term *Island*, as used in connection with timber, means an isolated grove or clump of timber in Prairie:

7. The term *Belt*, as used in connection with timber, means a strip of timber along the shore of a lake, river or water course:

8. The term *Section* means a section of this Act distinguished by a separate number, and the term *Sub-section* means a sub-division of any clause distinguished by a separate number or letter, in smaller type.

9. The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa

. . . . .

## DISPOSAL OF THE DOMINION LANDS.

### LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

**17.** Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt"

And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot, and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a section each, therefore—

In every fifth township in the said territory; that is to say: in those townships numbered, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships, the whole of section No. 8, and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company.

**18.** Provided that the Company's one-twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships, the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorized by them respectively

**19.** Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bona fide* settled on under the authority of any Order in Council, or of this Act, then if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

**20.** Provided also, as regards the sections and parts of sections as mentioned in clause seventeen, that where the same, may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions here-

inafter contained, the same shall form no part of the timber limit or limits included in such township, but shall be held to be the property of the Company

2 Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company, such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed,—in which event the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as herebefore enacted. Provided, nevertheless, that on such sections being surveyed as aforesaid, should the same or either of them prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township.

21. As townships are surveyed and the respective surveys thereof confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Surveyor-General, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands, and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the local agent or agents to the Dominion Lands Office, and patents shall issue for the same accordingly

37. No reservation of gold, silver, iron, copper, or other mines or minerals shall be inserted in any patent from the Crown granting any portion of the Dominion lands.

38. Any person or persons may explore for mines or minerals on any of the 30 Dominion lands, surveyed or unsurveyed, and not then marked or staked out and claimed or occupied, and may, subject to the provisions hereinafter contained, purchase the same.

39. Mining lands, if in surveyed townships, may be acquired under the provisions herein contained, and shall be sold in legal subdivisions when situated in unsurveyed territory and without the limits of the Fertile Belt, such lands shall be sold in blocks to be called mining locations; and every such mining location, except as hereinafter provided, shall be bounded by lines due north and south and due east and west, astronomically; and each such location shall correspond with one of the following dimensions, namely, eighty chains in length by forty in width, containing 40

The Company to be paid one-twentieth of the revenue from timber limits in unsurveyed territory within the fertile belt.

Proviso as to lands denuded of timber (1872 & 1874)

Title to lands to pass to Company without Patent in certain cases and under Patents in other cases

Mines or minerals not to be reserved in patents of lands

Mining lands in surveyed townships to be sold in legal subdivisions. Those in unsurveyed territory, without the limits of the Fertile Belt, to be sold in

blocks, to be called mining locations. Description of such blocks.

Proviso as to rich mineral lands.

Proviso for rent.

Proviso sale when no prior right.

Further provision for reservations.

Mining locations to be surveyed.

Lands supposed to contain minerals to be sold at the same price as farming lands. Proviso.

Exception of certain lands from preceding provisions.

Governor in Council to regulate.

As to lands still under Indian title.

three hundred and twenty acres,—or forty chains square, containing one hundred and sixty acres, or forty chains in length by twenty in width, containing eighty acres

1. Provided further that in case of certain lands proving to be rich in minerals the Minister of the Interior shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease

2. The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a-half per cent on the net profits of working

3. Provided further, that when there are two or more applicants for the same tract, and a prior right in either or any of the applicants is not established to the satisfaction of the Minister of the Interior the same may be tendered for by the claimants on stated terms of lease, and sold to the highest bidder

4. Provided also that in territory supposed to contain minerals the Minister of the Interior may in his discretion reserve from sale, alternate locations, or quarter-sections, or other legal subdivisions with the view of subsequently offering the same either for sale or lease at public competition.

40. Mining locations in unsurveyed territory shall be surveyed by a Dominion Land Surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion Lands Office) at the cost of the applicants, who shall be required to furnish, with their application, the surveyor's plan, field notes and description thereof.

41. No distinction in price shall be made between lands supposed to contain mines or minerals and farming lands, but both classes shall be sold at the uniform price of one dollar per acre provided that section thirty of this Act as regards offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships

42. It shall also be lawful for the Minister of the Interior to exempt from the preceding provisions of this Act, such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "Bar," "30" "Bench," or "Dry" "Diggings" for gold or other precious metals, and the Governor in Council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the royalty payable in respect thereof, and shall appoint and prescribe the duties of such officers as may be necessary to carry out such regulations.

#### INDIAN TITLE

43. None of the provisions of this Act respecting the settlement of agricultural lands, or the lease of timber lands, or the purchase and sale of mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been 40 extinguished

Exempted  
from homestead claims.

44. Coal lands designated by the Government as such are hereby withdrawn from the operation of this Act as regards the rights of squatters to homesteads on the Dominion lands in advance of the surveys.

Provision as  
to working  
coal mines.

45. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land, such application must be accompanied by a description by a Dominion Land Surveyor, setting forth generally the situation and 10 the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall be in the discretion of the Minister but shall in no case exceed three hundred and twenty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same—and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for.

Filing application.

Patent  
(1874.)

Provision as  
to H. B. Co.  
Further  
provision.  
(1874.)

Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections 8 and 26 as hereinbefore enacted: Provided 20 further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained.

Provision for  
continuous  
working  
(1874.)

Provided further that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior, during the interim between the application and the survey, but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase money which may have been paid to the Government on account thereof.

NOTE.—The date in the margin opposite any provision, is the year in which it was made, by this Act (1879), or by an Act amending that of 1872 and repealed by section 129 of this Act, when there is no date mentioned, the provision is part of the Act 35 V., c. 23 (1872).

AN ACT TO AMEND THE "DOMINION LANDS ACT, 1879."

(43 VICT., CHAPTER 26.)

*Assented to 7th May, 1880.*

In amendment of the "Dominion Lands Act, 1879." Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

6. Sections thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-four, forty-five, and forty-six are hereby repealed, and the following section is substituted for the said sections so repealed:—

"Lands containing coal or other minerals, whether in surveyed or unsurveyed 10 territory, shall not be subject to the provisions of this Act respecting sale or homestead, but shall be disposed of in such manner and on such terms and conditions as may, from time to time, be fixed by the Governor in Council by regulations to be made in that behalf, which regulations shall not go into operation until after they shall have been published for four successive weeks in the *Canada Gazette*, and laid before both Houses of Parliament for thirty days without disapproval by either House."

7. Section fifty-two of the said Act is hereby amended by adding to sub-section seven thereof, the following words:—

"Provided that such lease shall be subject to the right of the Government to 20 deal with any and all coal and other minerals which may be found in the land described therein, in accordance with the provisions of this Act and the regulations to be made under it by the Governor in Council, respecting lands containing coal or other minerals."

And the said proviso shall operate retrospectively, that is to say, it shall apply to the several leases of timber heretofore granted under the said Act, as if it had been contained in the said Act when it was passed.

2. The said section is hereby also amended by the further addition to the said sub-section seven of the following words:

"Provided further, that the Government shall have the right in dealing, as 30 above provided, with any coal or other minerals in lands leased as timber limits, to authorize the persons to whom such coal or other minerals may be granted, to take possession of and occupy such extent of the land so leased as may be necessary to work such coal or other minerals, and to open necessary roads through any such timber limit, paying the lessee of the limit the value of any and all timber necessarily cut in connection with or by reason of such workings or roads."

And this amendment shall be construed with reference to the amendment to the said Act made by the next preceding section of this Act, as if the provisions thereby made had been contained in the said Act when it was passed.

## AN ACT RESPECTING PUBLIC LANDS

(R. S. C. 1886, CHAP. 54)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows—

1. This Act may be cited as "The Dominion Lands Act, 46 V., c. 17, s. 1, part.

2.

(f) The expression "clause" means a section of this Act, or of any Act herein cited, distinguished by a separate number, and the expression "sub-clause" means a sub-division of any clause distinguished by a separate number or letter in smaller type;

10

(g) The expression "Dominion Lands" means any lands to which this Act applies.

3. Except as provided by any other Act of the Parliament of Canada, this Act applies exclusively to the public lands included in Manitoba and the several territories of Canada. 46 V., c. 17, s. 1, part.

### *Lands Reserved by the Hudson's Bay Company.*

22. In every fifth township in the territory surrendered to the Crown by the Hudson's Bay Company, and described and designated as the "fertile belt," that is to say in those townships numbered five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty, and so on in regular succession northerly from the International boundary, the whole of sections numbers eight and twenty-six, and 20 in each and every of the other townships, the whole of section number eight, and the south half and north-west quarter of section number twenty-six, except in the cases hereinafter provided for, shall be known and designated as the lands of the said company

2 The company's one-twentieth of the lands in fractional townships shall be satisfied out of one or other or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships, and the allotment thereof shall be effected by the Minister and the said company, or by some person duly authorized by them respectively.

3. If, when the survey of a township is effected, the sections so allotted, or any 30 of them, or any portion of them, are found to have been *bona fide* settled on under the authority of any Order in Council, or of this Act, the company may, if it foregoes its right to the sections settled upon as aforesaid, or any one or more of such sections, select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied

4. When the sections and parts of sections above mentioned, are situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such township, but shall be the property of the company

Certain sections and parts of sections in certain townships to be Hudson's Bay Company's lands

Company's lands in fractional townships.

Company may select lands in lieu of any found settled upon by authority

Company's lands not to be included in timber limits.

Company to have one-twentieth of revenue from timber limits in unsurveyed lands in fertile belt

As to lands forested or denuded of timber.

Title to lands to pass to company without patent in certain cases.

Issue of patents in other cases.

Mineral and coal lands to be disposed of under Order in Council

Gold or silver mines not to pass by grant of land containing them

Rights of discovery of minerals.

5. One-twentieth of the revenue derived from timber limits granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall, so long as the townships comprised in the same remain unsurveyed, be annually paid and accounted for to the company but such one-twentieth shall cease or be diminished in proportion as the townships comprised in such limits, or any of them, are surveyed, and in such case the company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six, as hereinbefore provided.

6. If the said sections, or either of them, when surveyed as aforesaid, prove to have been denuded of timber by the lessee, to the extent of one-half or more, the company shall not be bound to accept such section or sections so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from any unoccupied lands in the township.

7. As townships are surveyed, and the respective surveys thereof are confirmed or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the company shall be duly notified thereof by the Minister, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the company is entitled under this clause, as aforesaid, and to vest the same in the company, without the issue of a patent for such lands, and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth in townships other than the above, as provided in sub-clauses two and three of this clause, returns thereof shall be made in due course by the local agent or agents, to the Dominion lands office, and patents shall issue for the same accordingly. 46 V., c. 17, s. 18.

47. Lands containing coal or other minerals, whether in surveyed or unsurveyed territory, shall not be subject to the provisions of this Act respecting sale or homestead entry, but shall be disposed of in such manner and on such terms and conditions as are, from time to time, fixed by the Governor in Council, by regulations made in that behalf. 46 V., c. 17, s. 42.

48. No grant from the Crown of lands in freehold or for any less estate, shall be deemed to have conveyed or to convey the gold or silver mines therein, unless the same are expressly conveyed in such grant. 46 V., c. 17, s. 43.

49. Every discoverer of minerals upon surveyed or unsurveyed lands, or his assigns and associates, who had applied for a grant of such lands before the passing of the Act passed in the forty-third year of Her Majesty's reign, chapter twenty-six shall be held to have the same rights as if that Act had not been passed. 46 V., c. 17, s. 44.

# AN ACT RESPECTING PUBLIC LANDS.

(R.S.C. 1906, chap. 55)

**1.** This Act may be cited as the Dominion Lands Act.

**2.** . . . . .

(f) 'Dominion lands' means any lands to which this Act applies.

Certain sections and parts of sections to be Company's lands.

**81.** In every fifth township in the territory surrendered to the Crown by the Hudson's Bay Company, and described and designated as the fertile belt, that is to say in those townships numbered five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty, and so on in regular succession northerly from the international boundary, the whole of sections numbers eight and twenty-six <sup>10</sup> and in each and every of the other townships, the whole of section number eight and the south half and northwest quarter of section number twenty-six, except in the cases hereinafter provided for, shall be known and designated as the lands of the said company.

Company's lands in fractional townships.

**82.** The company's one-twentieth of the lands in fractional townships shall be satisfied out of one or other or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships, and the allotment thereof shall be effected by the Minister and the said company, or by some person by both of them duly authorized.

Company may select lands in lieu of any land settled upon.

**83.** If, when the survey of a township is effected, the sections so allotted, or <sup>20</sup> any of them, or any portion of them, are found to have been bona fide settled on under the authority of any order in council, or of this Act, the company may, if it foregoes its right to the sections settled upon as aforesaid, or any one or more of such sections, select a quantity of land equal to that so settled on, and in lieu thereof from any lands then unoccupied.

Company's lands not to form part of timber limits.

**84.** The lands to which the company is entitled as in this Act hereinbefore provided, which are situate in any township withdrawn from settlement and sale and held as timber lands under the provisions herein contained, shall not form part of the timber limit or limits included in such township, but shall be the property of the company.

80

Company to share in revenue from timber lands in unsurveyed land.

**85.** One-twentieth of the revenue derived from timber limits granted in unsurveyed territory within the fertile belt, as herein provided, shall, so long as the townships comprised in the same remain unsurveyed, be annually paid and accounted for to the said company, but such one-twentieth shall cease or be diminished in proportion as the townships comprised in such limits, or any of them, are surveyed, and in such case the said company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six, as herein provided.

As to lands  
found  
denuded of  
timber

**86.** If the said sections, or either of them, when surveyed as aforesaid, prove to have been denuded of timber by the lessee, to the extent of one-half or more, the company shall not be bound to accept such section or sections so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from any unoccupied lands in the township.

Title to  
lands to pass  
to company  
without  
patent in  
certain cases.

**87.** As townships are surveyed, and the respective surveys thereof are confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the company shall be duly notified thereof by the Minister, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the company is entitled, as aforesaid, and to vest the same in the company, without the issue of a patent for such lands; and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth, as hereinbefore provided, returns thereof shall be made in due course by the local agent or agents, to the Dominion Lands Office, and patents shall issue for the same accordingly.

Regulations  
respecting  
Mines, &c.

**159.** Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor in Council, may from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof.

20

Rocky  
Mountains  
Park.

**160.** No disposition of mines or mining interests in the Rocky Mountains Park shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years.

Grant of  
lands not to  
convey gold  
or silver.

**161.** No grant from the Crown of lands in freehold or for any less estate, shall be deemed to have conveyed or to convey the gold or silver mines therein, unless the same are expressly conveyed in such grant.

Rights of  
discoverers  
of minerals

**162.** Every discoverer of minerals upon surveyed or unsurveyed lands, or his assigns and associates, who had applied for a grant of such lands before the passing of chapter twenty-six of the Acts passed in the forty-third year of the reign of Her late Majesty Queen Victoria, shall be held to have the same rights as if that Act had not been passed.

AN ACT TO CONSOLIDATE AND AMEND THE ACTS RESPECTING THE  
PUBLIC LANDS OF THE DOMINION.

(7-8 EDWARD VII. CHAP. 20.)

(Assented to 20th July, 1908)

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows—

1. This Act may be cited as The Dominion Lands Act.

2.

(c) "Dominion lands" or "lands" or "land" means lands of the Dominion of Canada to which this Act applies.

10

3. Except as provided by this or any other Act of the Parliament of Canada, this Act applies:—

(a) to the lands of the Dominion of Canada in the provinces of Manitoba, Saskatchewan and Alberta, and in the Northwest Territories of Canada;

(b) to the three and one-half million acres of land to be located by the Government of Canada in that portion of the Peace River district of British Columbia, lying east of the Rocky Mountains and adjoining the province of Alberta, granted to the Crown, as represented by the Government of Canada, by section 7, chapter 14 of the British Columbia statutes of 1894.

Sale or lease.

27. Lands containing salt, petroleum, natural gas, coal, gold, silver, copper, 20 iron or other minerals may be sold or leased under regulations made by the Governor in Council, and these regulations may provide for the disposal of mining rights underneath lands acquired or held as agricultural, grazing or hay lands, or any other lands held as to the surface only, but provision shall be made for the protection and compensation of the holders of the surface rights, in so far as they may be affected under these regulations.

Certain sections to be Hudson's Bay Co.'s lands.

44. In that portion of the territory surrendered to the Crown by the Hudson's Bay Company, which in the deed of surrender is described as being bounded "on the south by the United States boundary, on the west by the Rocky Mountains, on the north by the Northern branch of the Saskatchewan River, on the east by Lake 30 Winnipeg, the Lake of the Woods and the waters connecting them," every fifth township, namely, those townships numbered five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty, and so on in regular succession between the said southern and northern boundaries of the said territory, the whole of sections numbered eight and twenty-six, and in each and every of the other townships in the said territory, the whole of section numbered eight, and the south half and north-west quarter of section numbered twenty-six, except in the cases hereinafter provided for, shall be known and designated as the Hudson's Bay Company's lands. Provided that in the case of any township abutting on the northern bank of the Northern

Branch of the Saskatchewan River, the company, as provided in such deed of surrender, may take its one-twentieth of any such township which shall not extend more than five miles inland from the river, but only in exchange for an equal quantity of lands to which the company is entitled and which abut on the southern bank of such river

In fractional townships.

43. The company's one-twentieth of the lands in fractional townships shall be satisfied out of one or other or both, as the case may be, of the sections numbered eight and twenty-six as above, in such fractional townships, and the allotment thereof shall be effected by the Minister and the said company, or by some person by both of them duly authorized.

10

Selections instead of land already settled

44. If, when the survey of a township is effected, the sections so allotted, or any of them, or any portion of them, are found to have been bona fide settled on, the company may, if it foregoes its right to the sections settled upon as aforesaid, or to any one or more of such sections, select a quantity of lands equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

Hudson's Bay Co.'s lands not included in timber limits

45. The lands to which the company is entitled, as in this Act hereinbefore provided, which are situate in any township withdrawn from settlement and sale and held as timber lands or as a forest reserve, shall not be included in any timber hunt or berth, or in such forest reserve, but shall be the property of the company.

Revenue from timber lands in unsurveyed lands.

46. One-twentieth of the revenue derived from any timber berths in any 20 unsurveyed portion of the territory described in section 44 of this Act shall be annually accounted for and paid to the company until the said territory is surveyed in whole or in part into townships, when such accounting for and payment shall wholly cease or be diminished as the townships are surveyed and the company receives its one-twentieth interest in the lands in such townships out of sections eight and twenty-six as herein provided.

As to lands found denuded of timber.

47. If the said sections or either of them, when surveyed as aforesaid, prove to have been denuded of timber by a licensee, to the extent of one-half or more, the company shall not be bound to accept such section or sections so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from 30 any unoccupied lands in the township.

Title to lands to pass to Hudson's Bay Co.

48. As townships are surveyed, and the respective surveys thereof are confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the company shall be duly notified thereof by the Minister, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the company is entitled as aforesaid, and to vest them in the company, without the issue of letters patent for such lands, and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth, as hereinbefore provided, returns thereof shall be made in due course by the local agent or agents, to the Minister, and letters patent shall issue 40 therefor accordingly.



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